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91-1175

Supreme Court, U.S.
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No.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1991

DAVID MORGAN, ET AL,

Petitioners

vs.

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES, ET AL,

Respondents

PETITION FOR A WRIT OF CERTIORARI TO THE CALIFORNIA SUPREME COURT

David Morgan
6262 Sunset Blvd.
Hollywood, Calif. 90028
Petitioner in pro per

QUESTIONS PRESENTED

1. A project area committee is required by redevelopment law to protect low- and moderate-income residents endangered by relocation. Were procedural due process and equal protection rights violated by failing to give committee formation notice to at least 50 % of the residents? Must the notice text warn all interested persons of specific project dangers?

2. By statute the residents should have controlled all the project area committee seats but actually were only allowed to fully control 16 %. Did the method used to select members of the project area committee violate the procedural due process and equal protection rights of the low- and moderate-income residents?

3. There are thousands of sound structures in the project area where only about 5 % could be shown "blighted." Are rights to property and equal protection violated by taking eminent domain and redevelopment powers under the claim of "public use."

PARTIES

Plaintiffs in Los Angeles Superior Court Case C 607 002:

David Morgan
Norton Halper
Richard Carman *

Defendants in Los Angeles Superior Court Case C 607 002:

Community Redevelopment Agency of the City of Los Angeles
City of Los Angeles
County of Los Angeles
Los Angeles City Planning Commission
Los Angeles Unified School District
Los Angeles Community College District
Metropolitan Water District
Southeast Mosquito Abatement District
West Mosquito Abatement District

Defendants/Interested Persons in Los Angeles Superior Court Case C 607 002:

Betty Blue *
Judy Blue *
Patricia Morley *
Susan B. Nelson
Karen Hale Wookey

Jamia Riehl
Katherine Armour
All persons interested in the matter of the redevelopment plan for the Hollywood Community Redevelopment Area as adopted by Ordinance 161,202 on May 7, 1986 by the City Council of the City of Los Angeles, the validity of all proceedings theretofore taken or made for or in any way connected with the adoption of the redevelopment plan

Plaintiffs in Los Angeles Superior Court Case C 607 295:

Susan B. Nelson, President of Save Hollywood Our Town
Karen Hale Wookey, Vice President of Save Hollywood Our Town
Jamia Riehl, Secretary of Save Hollywood Our Town
Katherine Armour, Board Member of Save Hollywood Our Town

Defendants in Los Angeles Superior Court Case C 607 295:

Community Redevelopment Agency of the City of Los Angeles
County of Los Angeles
Mark Bloodgood, Auditor-Controller of the County of Los Angeles

Defendants/Interested Persons in Los Angeles Superior Court Case C 607 295:

Betty Blue *
Judy Blue *
All persons interested in the matter of the redevelopment plan for the Hollywood Redevelopment Project as adopted and approved by Ordinance No. 161202 on May 9, 1986 by the City Council and Mayor of the City of Los Angeles, the Validity of the Hollywood Redevelopment Plan, and any and all matters or any matters

relating to or encompassed within
the Hollywood Redevelopment Plan

* dismissed parties

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PETITION FOR A WRIT OF CERTIORARI TO THE CALIFORNIA SUPREME COURT

David Morgan, et al, petition for a writ of certiorari to review the judgment of the California Supreme Court.

OPINIONS BELOW

The order of the California Supreme Court is not reported (App. A). The opinion of the Court of Appeals ("Opinion") is reported at 231 Cal.App.3d 243 (1991) (App. C). The ruling of the Trial Court is not reported. (App. E, F).

JURISDICTION

The order of California Supreme Court was entered on August 22, 1991. (App. A). The jurisdiction of this Court is invoked under 28 U.S.C. 1257 (a). The issues were raised below by complaint and at each stage. (App. H, I, J).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Quotations are in Appendix G.

1. U. S. Constitution Amendments I, V, XIV. 2. California Constitution Article III, Section I. 3. California Health and Safety Code ("HSC") Sections 33032, 33320.1, 33321, 33385, 33386. 4. U. S. Department of Housing and Urban Development Public Agency Letter No. 458.

STATEMENT

Redevelopment Abuse is a National Problem

The Hollywood Redevelopment Project is a classic illustration of the corrupting potential of redevelopment powers. In California alone over $ 1 billion is lost

from legitimate public services to redevelopment agencies annually, while the agencies are over $ 17 billion in debt. Thousands of other redevelopment projects across the nation are engaged in similar abuses as here. The Project's diversion of a billion dollars from other critically-needed taxing uses and its allowance of unrestricted use of the power of eminent domain provide irresistible incentives to redevelopment bureaucrats to push through the Project by any means necessary and to bulldoze an affluent, viable community which would regenerate itself without redevelopment. Project Area has had average growth in assessed value of 10 % per year over the past 10 years from privately financed development, more than a $ 600 million increase since 1986. Recognizing the lure of these misincentives, the legislature has

increasingly provided safeguards against abuse of awesome redevelopment powers.

In ramming through the Hollywood Redevelopment Project so as to grab tax increment money and eminent domain power, defendants Los Angeles Community Redevelopment Agency ("CRA") and City of Los Angeles ("City") ran roughshod over the protective requirements. Notice of the critical project area committee ("PAC") formation meeting was by haphazard distribution which was not calculated to give actual notice to area residents by reasonably available means. Instead of meeting statutory requirements for a PAC self-formed by the residents, the CRA manipulated formation to improperly impose its will. The Court's approach simply winked at the toughened up statutory requirements enacted to make sure municipalities cannot do what City and CRA have

done here - make a phony finding of "blight" in order to justify diverting tax increment dollars from other taxing agencies to the CRA. Opinion is another cover up of the widespread corruption of California CRAs now engaged in widespread fakery of "blight" leading to financial collapse of speculative hotels and shopping centers. This action has the effect of a class action with Plaintiffs statutorily empowered to litigate the rights of all the tens of thousands of interested persons.

Overspeculation in real estate by CRAs is undoubtedly a factor in the savings and loan crisis. CRAs generate fiscal detriments endangering bonds and their misdirections of funds may contribute to bankruptcies of cities, counties and school and other districts. Defendant Los Angeles Unified School Dis-

trict just imposed retroactive major salary reductions on all teachers to avoid bankruptcy. Project will take over $ 50 million from law enforcement services over 30 years. CRA claimed crime was part of "blight" but now maintains its funds may not be spent for police officers. Our state government faces fiscal disaster with multi-billion dollar deficits.

Project Area Committee

The residents of a project area have federal rights to equal protection and due process notice in the self-formation methods and election of a PAC. Appellant David Morgan appealed on federal rights but the Court of Appeal amazingly ruled federal rights do not exist in redevelopment by saying there are no fundamental vested rights affected. (Opinion 261, App. C). The PAC is a local government

agency and is required to protect low- and moderate-income residents from redevelopment abuse and forced relocation.

CRA has long been a ring leader in constitutional abuse and is famous for displacing 15,000 residents in 7300 housing units from Bunker Hill. The props have been set on the Hollywood stage for a similar unmitigated disaster.

Widespread redevelopment abuses led to Department of Housing and Urban Development ("HUD") requiring PACs in 1968. In Hollywood CRA perceived an independent PAC as a restriction upon their dictatorial power and took extreme measures to suppress the PAC. Over 8000 residential units were not noticed of PAC formation. Residents were denied their statutory right to specify categories of and to vote on all 25 seats and could fully control no more than 4 PAC seats. Having a

clear conflict of interest as the condemnor, the CRA attorney failed to disqualify himself as the PAC attorney; many members were bribed by CRA.

Unconstitutional Imposition of Redevelopment Upon Sound Structures

Since the founding of the Republic the people have had federal rights to their private property. The Fifth Amendment provides it may not be taken at all for private use, even if just compensation is paid. The Court of Appeal ignored this. To prove "blight" there must be over 80 % buildings beyond repair, dangerous or slum. The building conditions in Hollywood are the exact opposite of this, only about 5 % of the buildings could be said to be in such bad condition.

All across America prime real estate with a predominance of sound buildings

has repeatedly been declared "blighted" as an excuse for transfer to politically connected developers. Opinion is in total conflict with prior rulings of this Court, Circuit Courts and Supreme Courts of Ohio, Virginia and North Carolina.

REASONS FOR GRANTING THE PETITION

Supreme Court Rule 10.1 (b), (c) specifies grounds for review exist when a state court has decided a federal question in a way that conflicts with applicable decisions of state courts of last resort, federal courts of appeal or this Court. Grounds for review are present for each of the questions in this case.

I.
OPINION IS IN CONFLICT WITH THE ESTABLISHED RULINGS OF THIS COURT ON RIGHTS TO DUE PROCESS AND EQUAL PROTECTION IN NOTICE

The procedural due process and equal protection rights of the residents were violated by failure to properly notice

formation of the PAC. CRA failed to give notice to over 50 % of the tenants. CRA failed to provide a notice (App. P) which gave any warning thousands of residents would be relocated, although they admit 3496 would be. Opinion is completely in conflict with the federal standards described in Mathews v. Eldridge, 424 U.S. 319 (1976), discussed infra. Opinion conflicts with Card: "Here plaintiffs and others owning property or living within the added area did not receive the same relocation protection they would have received had proper redevelopment procedure been followed... They were thereby deprived of substantial property rights without constitutional due process of law in the substantive sense." (Card v. Community Redevelopment Agency of South Pasadena, 61 Cal.App.3d 570, 582; (1976) emphasis added).

By the early 1960s redevelopment and other public agencies had dislocated over two million people from their homes plus tens of thousands of small businesses. (App. M). There was immense suffering, deaths, suicides, severe physical illnesses and terrible economic effects on a vast number of those displaced. These abuses continue today across the nation on a prodigious scale.

Many of the unnecessary displacements stemmed from the pernicious doctrine espoused in Berman v. Parker, 348 U.S. 26 (1954) wherein the Court allowed the redevelopment land agency to condemn the department store of one owner to transfer to another developer. This reversed thousands of years of wise law (App. K) and, by continual enlargement, opened the door tc massive relocation of elderly, infirm, sick, uninformed, poor

and weaker parties who were unable to defend themselves. The real rationale for the condemnations was the weaker parties were in the way of highly profitable high density construction and influential developers and politicians, although all sorts of legal fictions were devised and written into state statutes.

A.

THE STATE COURT HELD THERE WAS NO FUNDAMENTAL RIGHT TO NOTICE AND THUS FAILED TO MEET FEDERAL STANDARDS

Petitioners appealed on the fundamental vested right to notice guaranteed by the Federal Constitution. (App. H). Opinion held there is no due process right to notice: "It is only in those cases, unlike the facts herein, where a party has acquired a fundamental vested right and the administrative decision substantially affects that right that the court will conduct an independent review

of the evidence and the record." (App. C, 261).

The Court ignored rights by holding that "substantial compliance" rather than "strict compliance" is sufficient, while CRA did not even substantially comply. Property owners and tenants in redevelopment areas have a Fifth Amendment right to due process notice. (Key West Harbour Development Corp. v. City of Key West, Fla., 738 F.Supp. 1394 (S. D. Fla., 1990)).

Due process of law requires a level of notice commensurate with the rights to be impacted by the governmental decision. (Mathews, supra, 334-5). The State Court erroneously did not consider, as it must: (1) the private interest that will be affected by the official action for which notice is required; (2) the risk of an erroneous deprivation of such interest

through the procedures used and the probable value of additional or substitute procedural safeguards; and, (3) the governmental function involved and the fiscal or administrative burdens that additional or different procedures would entail.

Step 1): The risk was great in 1983 that a PAC made up of primarily commercial interests favoring eminent domain and other policies to eliminate residential tenants would be formed. Project adoption is part of tenant and owner condemnation proceedings, with CRA given the encumbrance of a free 12 year real estate option with power to transfer titles to private parties, which clouds title, impairs ability to sell and borrow, to continue to lease and rent in the same location, and required recording with County Recorder.

Connecticut v. Doehr, 111 S.Ct. 2105 (1991) affirmed Mathews. The effects of imposition of redevelopment are worse than attachment which merits due process protection. Opinion is totally in conflict with the standards of Connecticut.

Tenants and owners have now lost the arms-length bargaining power they had via the PAC veto threat (HSC 33366) before plan adoption to remove the danger of relocation from the plan. PAC formation is federal (HUD Letter No. 458, App. G) and state protection (HSC 33385, App. G). Opinion hangs the sword of Damocles over all but most had no notice so they could use the PAC to rescue themselves.

Step 2): The Court failed to carry out Step (2) at all and to analyze the risk of an erroneous deprivation of the 1983 interests and the probable value of additional or different procedures. Since

the only notice all tenants must be given by statute is of formation of the PAC, which is their principal medium of hearing, it is crucial this notice strictly comply with due process. It was also the only notice that could have warned anyone this was the last chance they had to self-form a PAC to protect themselves against displacement and other dangers. As a matter of constitutional law, strict compliance with due process and equal protection is required since this is an eminent domain case (In Re Bunker Hill, 61 Cal.2d 21, 71 (1964), App. U).

CRA attorneys stipulated there is no newspaper paid legal notice of Dec. 13, 1983 PAC election but courts refused to correct erroneous Opinion (at 251): "THE COURT: Is this a stipulation you're willing to make, that there were no paid newspaper notices? MS. REIMANN: Regard-

ing PAC formation, yes, Your Honor." (emphasis added, RT 1417:25-27).

Newspaper notice still would have been inadequate: "In weighing its sufficiency on the basis of equivalence with actual notice, we are unable to regard this as more than a feint." (Mullane v. Central Hanover Bank and Trust Co., 339 U.S. 306, 315 (1950)).

Step 3): Mennonite Board of Missions v. Adams, 462 U.S. 791, 795 (1983), quoting Mullane required: "..."notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." (Mennonite, 795).

Council Motion of Nov. 18, 1983 required (App. Q): ... mail or deliver note of such meeting to each residence,... or use any other means reason-

ably calculated to provide each residence,... an actual notice... (emphasis added).

CRA correctly interpreted "each residence" as each individual residential unit, such as an apartment unit (RT1566:17-28). There was no significant fiscal or administrative burden to giving actual notice by mail. Legislature agreed and amended HSC 33385 during trial, to provide for mailed notice (App. G). Even in 1989, a remand to the City Council with directions for proper notice and reconsideration would not have delayed the 30-year plan much in relative terms. When the small burden is weighed against the rights at stake - eminent domain defense, physical and emotional injury, death, denial of notice of the hearing - it is clear the Court erred as a matter of law in its method of review of the CRA notice

procedures. Common sense dictates that most tenants in the project area would not receive an unaddressed flier which was simply dumped on street corners, on the doorstep or in the lobby of their apartment building. The Court erroneously reviewed notice (and the case) by the lax quasi-legislative standard, rather than de novo by the strict scrutiny test. (Opinion 251, 260). The beneficiary of the constitutional error was required to prove beyond a reasonable doubt that the error complained of did not contribute to the decision, but CRA and City never proved this. (Chapman v. State of Calif., 386 U.S. 18, 23 (1967)).

CRA refused to produce the administrative record and all project files for Morgan and Carman before Council hearing, prepared an arbitrary record behind closed doors after suit was filed, ob-

tained Opinion which excluded Plaintiff evidence, and apparently the notice evidence (App. D), not presented at Council hearing violating due process just as in USA v. Allied Signal, 736 F.Supp. 1553, 1558 (N. D. Cal. 1990), where de novo review was mandated. (Opinion 258 - 261).

B.

OVER 8000 OUT OF 16,000 RESIDENTIAL UNITS WERE NOT NOTIFIED AT ALL OF PAC FORMATION

Since Council dictated an election had to be held it must be fair and comply with due process and equal protection. (Chisom v. Roemer, 111 S.Ct. 2354, 2366, 2368 (1991)). There are about 16,000 residential units in the project area. It is uncontroverted no written notice was delivered to about 8,000 of these units for the 1983 PAC election and there was no paid newspaper notice. Plaintiffs presented a comprehensive survey (App. S) and declarations of 167 witnesses to

demonstrate failure of notice. The Trial Court judicially noticed the totally defective PAC notice but ignored the blatant facts in its decision: "So that is not an issue. That was acknowledged that some people did not receive the flyers. It was not 100 percent accurate or effective. That is before the Court with prior testimony." (RT2896:16-19).

Plaintiffs made offers of proof (CT17871-17876) of testimony of over a hundred live witnesses not receiving notices and all survey takers but Court ruled declarations be submitted (RT2526, 3048:1-7). Court judicially noticed it has been a given there were many security apartments (RT2503:27-2504:7) and it was not necessary to admit all these notice declarations and exhibits (RT3045:15-18, 3047:4-6, 6503:5-14, 6673:18-6674::11), indicating it was not controverted there

were many security units of various types in project area and admitted difficulties in delivering fliers (RT6673:18-6674:9).

Defendants admitted this (RT6674:10) and facts of Appellant position on PAC notice issue. They presented no meritorious argument against requirement of "notice reasonably calculated to give each residence... actual notice" as specified by Council since their own staff member Donald Pelegrino admitted they never did this. He testified 1983 PAC election fliers were not delivered to individual units in security buildings but left in common areas (RT1567:10-14, 1567:27-1568:8), fliers were not distributed on second or higher residential building floors, security or not (RT1567:15-23). CRA admitted defective notice: "When these same men went up to deliver the fliers, the notices we had --

people were shooing them away with a broom or a hose, and not letting them go on their property." (RT1573:2-5).

In 1983 the project area contained about 16,000 residential units, single-family, duplex and multi-family (3 or more units) buildings. Survey results were: 13,214 multi-family units with 4667 security units identified in 1983 whose building entrances to units required key for access through locked door or locked gate. There are 3000 more possible security units. Thus 35 % - 58 % were security in 1983. At least 2302 non-security units on second and higher floors of other buildings did not receive fliers individually. Survey shows at least 4667 security + 2302 non-security + about 1500 additional security second floor or higher units not notified, a total of 8469 units not noticed. CRA specified

37,000 area residents. An estimated 15,000 - 20,000 residents at least did not receive actual notice.

The Trial Court asked how 1983 security building fliers were handled (RT3045:26). 1560 units were surveyed. At buildings with 656 units fliers were always left outside, at those with 1278 units placing fliers at each unit was not allowed and at those with 505 units fliers were discarded immediately when found (CT18943). In these 1560 units no Declarants received a 1983 PAC election flier at their units nor did they see it in their buildings. Very few heard of project in 1983-1985 and most only after adoption in 1986-1988 (CT18946).

Doreet Rotman testified to Pelegrino admitting fliers in 1983 put in garbage (RT2579:1-24) and to 60-80 complaints at PAC in 1984 of no notice (RT2599:3-17).

Many residents were disenfranchised since notices informed there would be only one vote per household (Gordon, RT2183:14-30:20, 2186:22-25, Bernstein, RT2206:1-3, Smith, RT2239:2-3, 2239:24-2240:9, Rotman, 2573:1-2576:18). Only 50 filled out a residential tenant voter form (D9554A:1-181). No form shows more than one tenant voting from a household. By surnames there were no husband and wife or relative tenants voting from an address. There is no evidence there was change from one vote per household to one vote for each adult tenant in it preventing tenant Smith from obtaining votes (RT2277:11-2279:16). Strict scrutiny review is required (New York City Board of Estimate v. Morris, 103 L.Ed.2d 717, 727, 733 (1989).

C.

THE TEXT OF THE NOTICE FAILED TO GIVE DUE PROCESS WARNING OF EMINENT DOMAIN AND PROJECT DANGERS TO ANYONE

PAC notice (App. P) had to but failed to warn anyone personal rights to life, health, liberty to remain in current location, property, equal protection, and petition via PAC were endangered due to the Project. Many residents are immigrants (over 47 %) and non-English speaking (Ex 117:2034) and citizens and immigrants alike are incompetent and ignorant on redevelopment law and practice (RT2543:4-18); CRA kept them ignorant (RT2285:9-19, 2288:24-2292:18). Mennonite requires much detail on rights being infringed: "It is true that particularly extensive efforts to provide notice may often be required when the State is aware of a party's inexperience or incompetence." (Mennonite, 799, emphasis added).

"The principle requires that the content of the notice sufficiently inform

the party entitled to a hearing of that which it must know so that the right may be effectively exercised... In this sense the process that is due is that which will "minimize 'substantially unfair or mistaken deprivations' of the entitlements conferred by law upon private individuals or groups." (Southern Pacific Transportation Co. v. State Board of Equalization, 191 Cal.App.3d 938, 951 fn. 12 (1987) emphasis added).

PAC notice requirements must be strictly enforced since this is the only notice the tenants ever get and to tens of thousands of low- and moderate-income residents, small businesses and small property owners CRA intends to displace that would have enabled them to defend their rights via the PAC. The heavy burden of CRA to show voluntary and intelligent waiver of due process rights to no-

tice has not been met to overcome the strong presumption against waiver of constitutional rights, especially of parties with minimal educational preparation. (USA v. White, 429 F.Supp. 1245, 1251 (1977)). Opinion is in total conflict with many Supreme Court decisions on notice.

II.
OPINION IS IN CONFLICT WITH CIRCUIT COURT OPINIONS ON THE PROCEDURAL DUE PROCESS AND EQUAL PROTECTION RIGHTS OF THE LOW- AND MODERATE-INCOME RESIDENTS SUBJECT TO RELOCATION

The method used to select members of the PAC violated the procedural due process and equal protection rights of the low- and moderate-income residents. CRA admits planning to displace 3496 residents, triggering the requirement of a PAC, whose duty is to protect residents from forced relocation and redevelopment abuses. According to Opinion at 250-1: "Health and Safety Code section 33385 as

in effect in 1983 did not specify the method of the selection of the PAC members..., appointment of members is not precluded... Substantial evidence supports the determination that the PAC was self-formed and representative of the project area."

Opinion is in serious conflict with federal standards, since it allowed non-residents to form and control the PAC, when HSC 33385 provides the PAC shall be self-formed and controlled by the residents and community organizations.

"Plaintiffs here complain that they were denied the equal protection of the laws in the planning and implementation of the relocation program, and this, at least, is a justiciable claim." (Norwalk CORE v. Norwalk Redevelopment Agency, 395 F.2d 920, 929 (2d Cir. 1969).

There are federal rights to litigate the lack of a hearing on a relocation plan against a CRA. (Gart v. Cole, 263 F.2d 244, 250 (2d Cir. 1959)). The threat of dislocation gives federal standing as denial of equal protection. (Arrington v. City of Fairfield, Ala., 414 F.2d 687, 691, 692 (5th Cir. 1969)). Fifth Amendment and relocation abuses, zoning and permit coercion and disinformation occurred in Dearborn. (Amen v. City of Dearborn, 718 F.2d 789, 795 (6th Cir. 1983)). Such abuses are common in CRA projects. Redevelopment agency violations of due process and equal protection can be pursued in federal action. (Williams v. City of St. Louis, 783 F.2d 114 (8th Cir. 1986)).

Opinion, 261, asserts there are no fundamental vested rights involved and is completely in conflict with the decisions

of the Second, Fifth, Sixth and Eighth Circuits.

A.

FEDERAL LEGISLATIVE INTENT - A PAC MUST BE FORMED BY RESIDENTS FOR RESIDENTIAL REHABILITATION REDEVELOPMENT PROJECTS

The Hollywood project has been using HUD funds for at least 10 years and borrowed so many millions without HUD approval that HUD demanded repayment this year. In an effort to ease the suffering of tenants and homeowners in federally funded redevelopment projects HUD issued Local Public Agency Letter No. 458 of June 24, 1968 (App. G) requiring the formation of Project Area Committees, solely formed by, selected by and composed of residents. (Intent, App. N, O). "This letter requires the establishment of a Project Area Committee (PAC), made up of residents of the project area, for all urban renewal projects which involve res-

idential rehabilitation... "(emphasis added).

"The Court is also mindful... the Housing Act has been amended in significant respects in 1965 and 1966, as already above noted, to make much more clear the Congressional intent to protect the interest of residents about to be displaced by a redevelopment agency..." (Western Addition Community Organization v. Weaver, 294 F.Supp. 433 (N. D. Calif. 1969)).

"But people have got to decide that if they want to build buildings and throw out tenants and use federal funds to do it, they have got to meet the requirements of the law with respect to providing alternative housing. This is not a position of this Court; this is the position of the Congress of the United States." (Tenants and Owners in Opposi-

tion to Redevelopment v. HUD, 338 F.Supp. 29 (N. D. Calif. 1972)).

Redevelopment agencies have strenuously resisted independent PACs protecting the residents from relocation. In Philadelphia the Washington Square West PAC sued HUD and the local CRA in 1969, over lack of citizen participation, Fifth and 14th Amendment rights in displacement, followed by 10 years litigation on a bed of tensions. (Fox v. HUD, 468 F.Supp. 907 (E. D. Pa. 1979)). CRAs likewise have severely violated constitutional rights of small commercial owners. (Battison v. City of Niles, Ohio, 445 F.Supp. 1082 (N. D. Ohio, 1977)).

B.

STATE LEGISLATIVE INTENT - A PAC MUST BE FORMED BY RESIDENTS WHEN REDEVELOPMENT WILL DISPLACE LOW- AND MODERATE-INCOME RESIDENTS

Due to extensive statewide abuse of redevelopment such as in San Francisco

causing much relocation trauma, sickness, non-compensable economic loss and suffering to the residents and HUD Letter 458, Senate Bill 303 sponsored by the San Francisco Human Rights Commission was introduced by Senator George Moscone. "...history of problems and infectious conflicts that have resulted due to communications breakdown between neighborhood residents and legislative bodies when redevelopment projects are undertaken... In San Francisco alone over 15,000 families and individuals will lose their homes over a five year period..." (App. N, Terry N. Mc Gann, June 26, 1968, emphasis added).

In 1969 a similar bill was enacted as HSC 33385 and later the PAC was given a veto power (HSC 33366) over redevelopment plans equivalent to that of the Mayor and the Planning Commission, giving

the PAC a strong collective bargaining lever because the PAC can veto the plan to prevent adoption or to obtain provisions less onerous to residents and small business. The PAC unequivocally must be selected by residents and is entrusted with defending the residents against displacement by the provisions of HSC 33386. Had the Legislature intended for the city council to appoint PAC members, it undoubtedly would have specified as much.

The Fair Political Practices Commission analyzed HSC 33366, 33385 et seq. and ruled: "Members of redevelopment project area committees are 'public officials' who are subject to the Act's disclosure and disqualification provisions... individuals who sit on project area committees are 'members' of a local government agency." (In Re: Rotman, 10 FPPC Opinions 1, 6 (1987)). The Trial

Court affirmed the Commission ruling PAC members are local public officials. (RT 280:18).

C.
THE RESIDENTS WERE DENIED THEIR RIGHT TO SELF-FORM THE PROJECT AREA COMMITTEE AND TO ALLOCATE ITS SEATS

1.
Project Area Committee Elector Requirements

A PAC is formed only by residents and community organizations since HSC 33385 requires: "...call upon the residents and existing community organizations... to form a project area committee..." (HSC 33385). No one else can select the number of seats in a category, nominate, vote for or appoint members. To protect residents from relocation, others are rationally excluded since a call for a PAC only is required when: "... a substantial number of low- and moderate-income families are to be displaced by the redevelopment project..." (HSC 33385).

Members of a PAC consist of at least one member from each of four categories specified in HSC 33385 if such persons exist in the project area, residential owner occupants, residential tenants, businessmen and members of community organizations.

Since PAC members are local government officials under In Re: Rotman, supra, the equal protection guarantee that applies to local government elections applies. (NYC Board of Estimate, 716-7, supra; Quinn v. Millsap, 109 S.Ct. 2324, 2333 (1989)).

Opinion (at 250) held CRA could specify the categories and number of seats in each and that several classes of non-residents could vote and erroneously ignored the plain English meaning of the unambiguous statute HSC 33385, in direct conflict with rulings of this Court:

"When we find the terms of a statute unambiguous, judicial inquiry is complete, except "in 'rare and exceptional circumstances.'" (Rubin v. United States, 449 U.S. 424 (1981)). "[i]n the absence of a 'clearly expressed legislative intention to the contrary,' the language of the statute itself 'must ordinarily be regarded as conclusive.'" (Burlington Northern Railroad Co. v. Oklahoma Tax Commission, 481 U.S. 454 (1987); Demarest v. Manspeaker, No. 89-5916, (Jan. 8, 1991)).

Exclusion of non-residents from voting is constitutionally permissible to protect the compelling rights of a weaker class of persons. (Citizens Against Forced Annexation v. Local Agency Formation Commission, 32 Cal.3d 816 (1982).

CRA dictated the election rules which provided each voter could only vote

in his own category causing extreme vote dilution of residents. Thus residents could only fully control the 4 tenant (about 30,000 tenants) seats (16 %). Residents competed with non-resident residential owners (about 1,000 + owners) to elect the 4 (16 %) non-resident or resident owner seats and competed with all others in the elections for 4 community organization (about 33,000 + persons) seats (16 %), where residential voter influence was suppressed by failure of notice. Residents had no vote at all on the 6 businessmen seats (about 1,800 persons), the 3 Industrial Warehousing Manufacturing seats (about 150 persons) and the 4 council member appointed (1 elector) community organization seats (total 52 %). Each resident was confined to voting in one of 4 CRA chosen sub-areas, thus could only cast one vote for a resi-

dential candidate. Only about 200 persons voted in 1983.

"Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote..." (Gray v. Sanders, 372 U.S. 368, 379, 381 (1963)). There is ample precedent for the electorate being different from the office-holders. Only lawyers may be elected to judgeships but all citizens of age may vote on them. If CRA's peculiar scheme were to stand, where voters could only vote in their own category (plus 4 organization seats), then each resident would be excluded from voting on 20 of the 25 PAC seats. CRA failed to meet its burden to justify the exclusion under the harsh "compelling state interest" test. (Hadley v. Junior College District, 397 U.S. 50, 59 (1970)). This is a strict scrutiny

standard but the trial court erroneously used the lax quasi-legislative standard. (Bullock v. Carter, 405 U.S. 134, 144 (1972); Westbrook v. Mihaly, 2 Cal.3d 765, 784-785 (1970); ...in cases involving 'suspect classifications' or touching on 'fundamental interests,'...the court has adopted an attitude of active and critical analysis, subjecting the classification to strict scrutiny. Serrano v. Priest, 5 Cal.3d 584, 597 (1971); Curtis v. Board of Supervisors, 7 Cal.3d 942 (1972); Choudhry v. Free, 17 Cal.3d 660, 664 (1976)). Additionally CRA only permitted one vote per household. The 4 Council (condemnor) appointees to PAC were unconstitutional.

Recently Council became so displeased with elected residents who gained control of the PAC and regularly vote to oppose condemnations and relocations it

derecognized the PAC, which still meets regularly, and appointed an Orwellian dummy committee with members, about 90 % non-residents, who agreed to always vote as instructed by Councilmember. This is continuing evidence of constitutional violations. Lippman v. City of Los Angeles, 91 Daily Journal DAR 12563 (1991)).

D.

CONDEMNOR CRA DENIED FEDERAL RIGHTS BY USING ITS ATTORNEYS TO MISLEAD THE PUBLIC AND PAC AND BY BRIBING PAC MEMBERS

Attorneys serving the PAC had a serious conflict of interest since they represented the condemnor. The PAC is entitled to independent attorney and staff paid for by the City. (HSC 33388) but never obtained these. The residents forming the PAC should have had expert independent counsel from the start, well before any election, counsel which was fully adverse to CRA to protect them.

See Rules of Professional Conduct of State Bar of Calif., 3-310, former 4-101, 5-101, 5-102; Jeffry v. Pounds, 67 Cal.App.3d 6, 10 (1977); Klemm v. Sup. Ct., 75 Cal.App.3d 893, 898, 901 (1977); Johnson v. Haberman and Kassoy, 201 Cal.App.3d 1468, 1475 (1988); Asbestos Claims Facility v. Berry and Berry, 219 Cal.App.3d 9, 26 (1990).

Condemnor CRA secretly bribed many PAC members to support project adoption. CRA required $ 150,000 loans from various parties, some of which obtained representation on the PAC but the loans were only to be paid back if the plan was adopted, thus these PAC members were bribed with their own money. These payments in Spring 1983 acted as financial deterrents to residents self-forming the PAC and controlling all seats in violation of HUD Letter No. 458 and HSC 33385. These mem-

bers generally supported adoption and represented large commercial interests. The bribes were not disclosed at the election and the members never abstained from voting.

III.
OPINION IS IN CONFLICT WITH RULINGS OF THIS COURT AND OF STATE SUPREME COURTS AS TO THE STANDARDS REQUIRED TO IMPOSE REDEVELOPMENT POWERS

Rights to property and equal protection were violated by taking eminent domain and redevelopment powers under the false claim of "public use." The entire intent of redevelopment law is to repair and replace buildings. Under Berman, supra, a very limited exception was allowed, to prohibitions against takings for private use, permitting a few sound buildings to be demolished, when over 80 % of the others were beyond repair or in need of major repairs. As the years passed the encroachments upon the strict standards increased until the ridiculous

extreme attained in Hollywood where only about 5 % of the buildings would meet the Berman standard. There are essentially no standards left so any property in California, and perhaps most states, may be redeveloped and condemned by a CRA. Opinion is in total conflict with the Federal standard.

A.

THE FEDERAL STANDARD IS THAT OVER 80 % OF THE BUILDINGS IN A PROJECT AREA MUST BE BEYOND REPAIR OR NEED MAJOR REPAIRS WHICH HAS BEEN AFFIRMED BY COURTS OF VARIOUS STATES

A very limited exception to the traditional standard was granted by this Court to impose eminent domain for private use under the legal fiction of "public use" when it could be shown a project area was predominantly "blighted" by evidence such as: "Surveys revealed that in Area B, 64.3 % of the dwellings were beyond repair, 18.4 % needed major repairs, only 17.3 % were satisfactory;

57.8 % of the dwellings had outside toilets, 60.3 % had no baths, 29.3 % lacked electricity, 82.2 % had no wash basins or laundry tubs, 83.8 % lacked central heating." (Berman at 101).

Berman reversed traditional federal court decisions: "The taking of one citizen's property for the purpose of improving it and selling or leasing it to another, or for the purpose of reducing unemployment, is not, in our opinion, within the scope of the powers of the federal government." (USA v. Certain Lands in City of Louisville, 78 F.2d 684, 688 (1935)). "The pipe line owner, a private person, is, in effect, ordered to pay money to another private well owner for the purchase of oil which there is no wish to buy... There is here no taking for the public benefit... Our law reports present no more glaring instance of the

taking of one man's property and giving it to another... And this Court has many times warned that one person's property may not be taken for the benefit of another private person without a justifying public purpose, even though compensation be paid. (Thompson v. Consolidated Gas Utilities Corp., 300 U.S. 55, 78, 79 (1937)).

Opinion is in conflict with the decisions of the Supreme Courts of other states. The Hollywood building survey shows the area is not "blighted" but the Council made a "blight" finding. This same question faced the Supreme Court of Ohio, which ruled that it was a constitutional question whether the finding of "blight" was unreasonable, when it contradicted the building survey. (AAAA Enterprises v. River Place Community Urban Redevelopment Corp., 553 N.E.2d 597, 601;

(1990). The Supreme Court of Appeals of Virginia ruled that even 61 % dilapidation of dwellings or 39 % dilapidation of all buildings does not sustain a "blight" finding. (Bristol Redevelopment and Housing Authority v. Denton, 93 S.E.2d 288, 295; (1956)).

The traditional standard of American law is that private property may not be taken for private purposes. (Appendix K). The Supreme Court of North Carolina ruled: "Areas which are in fact "blighted" cannot be enlarged to include areas which are not in fact "blighted.'" (Horton v. Redevelopment Commission of High Point, 140 S.E.2d 728, 735 (1965)).

The Court of Appeals of Kentucky forbade inclusion of non-blighted property in a redevelopment project. (Prudential Building and Loan Assoc. v. Urban Renewal and Community Development

Agency of Louisville, 464 S.W.2d 629, 631 (1971)).

As in Hollywood, when the determinations had no relation to the facts or building survey, "We are confronted with a determination framed in statutory language without the suggestion of any specific facts which support that determination. A reviewing court cannot possibly identify the criteria used by the Seattle City Council in its determination that the area in question was a blighted area." (Apostle v. City of Seattle, 422 P.2d 289, 293 (1966)).

Also under California law there must be findings to bridge the analytic gap from the raw evidence to the ultimate decision. (Topanga Assoc. for a Scenic Community v. County of Los Angeles, 11 Cal.3d 506, 515 (1974)). See AAAA Enterprises, supra.

B.

THE STATE STANDARD IS THAT 100 % OF THE BUILDINGS IN A PROJECT AREA MUST BE SLUM OR POOR EXCEPT WHERE SUCH PREDOMINATE AT OVER 80 %

At the CRA Bunker Hill project: "The survey made... found 63.4 per cent of the residential structures in the area were classed as sub-standard or slum and of the remainder 20.8 per cent were poor and 15.8 per cent were acceptable. More than 55 per cent of said residential structures were in need of major repairs. (In re Bunker Hill, 61 C2d 21, 34 fn. 2; (1964)).

Under HSC 33320.1, the term "predominance" is defined as 80 % in another context. Predominance means beyond dominance, superiority in strength, power, influence or authority. Under HSC 33321, supra, the only buildings, improvements or lands which may be included in a redevelopment project area are those

whose physical condition is detrimental or inimical to the public health, safety, or welfare, with one exception. Normally, 100 % of the buildings in a project area must be detrimental or inimical by being slum, dangerous, poor or beyond repair. The only exception is, when such buildings only predominate but injuriously affect the entire area, then 80 % is sufficient.

C.

HOLLYWOOD FAILS TO MEET FEDERAL STANDARDS SINCE THE 5 % POSSIBLY "BLIGHTED" BUILDINGS DO NOT CONSTITUTE PREDOMINANCE

The statutory standard for predominance of "blight" is 80 % as discussed, supra. Hollywood does not have slum conditions of dangerous buildings which were shown in the District of Columbia under Berman (64.3 % beyond repair + 18.4 % needing major repairs = 82.7 %) and at Bunker Hill (63.4 % slum + 20.8 % poor =

84.2 %). Plaintiffs compiled CRA's data for all land uses (Ex 43, 44) in Ex 110:

BASIS	PROJECT AREA TOTALS	DEFENDANT Substantially Deteriorated + Heavy Rehabilitation + Moderate Rehabilitation	PLAINTIFF Substantially Deteriorated + Heavy Rehabilitation
PARCEL AREA			
AREA,	47,980,000	6,579,727	1,589,313
PERCENT		13.72 %	3.31 %
CITATIONS		(Ex110:A:2)	(Ex110:A:2)
NUMBER OF PARCELS			
NUMBER	2929	695	169
PERCENT		23.8 %	5.78 %
CITATIONS		(Ex110:A:2)	(Ex110:A:2)
NUMBER OF BUILDINGS			
NUMBER	3424	959	245
PERCENT		28 %-29.3 %	7 %
CITATIONS		(Ex117:1992, 2979,	Ex110:A p X)
AVERAGE OF ABOVE PERCENTAGES		22 %	5 %

Plaintiffs' compilation of CRA data shows only 5 % substantially deteriorated — or needing heavy rehabilitation, thus possibly "blighted." CRA adds moderate rehabilitation: "As a general statement

approximately 25 % of Hollywood could be considered in physically blighted condition." (CRA Baseline report, Ex 117:2579).

CRA claims single family residences 29.8 % sound, 36.4 % deferred maintenance, 24.9 % moderate rehabilitation, 7.6 % heavy rehabilitation and 1.3 % substantially deteriorated, the latter three giving 33.8 % "blight." (Baseline, Ex 117). The only buildings mentioned in Opinion are the 1076 single family residences which comprise under 3 % of building square footage, only 7.3 % of residential development, (Baseline, Ex 117) and none of them were found slum, dangerous, poor or beyond repair, as in Berman and Bunker Hill. Opinion seems to hold deferred maintenance comprises "blight" when even CRA did not claim this: "At least 36 percent of the single family

residences show deferred maintenance, an additional 27 percent require moderate to heavy rehabilitation." (App. C, Opinion, 231 Cal.App.3d 243, 256 (1991)).

On Bunker Hill there were 63.4 % slum residential buildings and 60 % dangerous buildings while the opposite is true in Hollywood, less than 5 %. Permitting buildings requiring minor to moderate upgrading to be characterized "blighted" would subject every urban area statewide to arbitrary redevelopment.

All 7 mandatory elements of the strict "blight" hierarchy were adopted to prevent adoption of project areas, wherever possible but most elements do not exist in Hollywood. Opinion erroneously reviewed under laxer obsolete version of HSC 33032 (Amended Stats 1976 ch 1336 Sec. 3) (App. G, Opinion, App. G at 255). HSC amendment effective Jan. 1, 1985

adopted strict hierarchy (Stats 1984 ch 147 Sec. 2) naming elements 2B, 3, 4 (App. G). The elements and evidence are:

(1) NEGATIVE SOCIAL OR ECONOMIC SUBFACTORS, HSC 33031 (social) or HSC 33032 (economic), SOME EVIDENCE

which cause (2) PREDOMINANCE (80 %) OF SLUM STRUCTURES, which are (2A) unsafe (HSC 33031) or (2B) suffer from economic dislocation (HSC 33032), NO EVIDENCE

and cause (3) SERIOUS BURDEN ON ENTIRE CITY (HSC 33030), NO EVIDENCE

and not curable by (4) PRIVATE ENTERPRISE OR TRADITIONAL GOVERNMENT ACTIVITIES (HSC 33030, 33032), NO CREDIBLE EVIDENCE

excluding (5) NON-BLIGHTED PROPERTY TO CAPTURE TAX INCREMENTS (HSC 33321), NO EVIDENCE

with (6) 80 % PREDOMINATING SLUM STRUCTURES (HSC 33321), EVIDENCE IS THE

OPPOSITE

and by (7) FULL EVIDENTIARY PROOF OF ALL 7 ELEMENTS, (HSC 33367 (d) 1, 5, 9. 10, 11), UNPROVEN

Emmington v. Solano County Redevelopment Agency, 195 Cal.App.3d 491, 499-501 (1987) invalidated redevelopment due to missing "blight" elements and found 2B) missing, "no showing these conditions had substantially interfered with the land's present agricultural use," 3) missing, "no showing ... conditions had rendered the project area a serious social or economic liability to the community," 4) missing as redevelopment could be reasonably be expected by private enterprise acting alone since, "We may safely assume these corporations are holding the land for future development, and they will develop it when they can see a profit," 6) missing as no predomi-

nance, "Out of 171 parcels in the project area, 19 exhibited some form of structural blight," (i. e., old barns) and 7) missing, "the project area was not blighted." The amended HSC 33032 effective Jan. 1, 1985 imposes even stricter standards against finding "blight." CRA argued a minority of "blighted" people (Element 1) somehow overrode the strict hierarchy and erroneous Opinion relied on such emotional rhetoric.

Hollywood is exactly parallel to the Emmington situation, most of the elements are missing and the project area is not legally "blighted." "True blight" was discussed in Regus v.City of Baldwin Park, 70 Cal.App. 3d 968, 978 (1977), citing Bunker Hill. None of conditions found in Berman or Bunker Hill, or anything remotely resembling them, exist in project area. In Hollywood, since commer-

cial, industrial, office and residential rental markets are all strong, just as in Sweetwater Valley Civic Assoc. v. National City, 18 Cal.3d 270, 279 (1976) and Emmington (500), there was no showing blighting conditions had "ended [the land's] present economic use." Claiming "blight" as an excuse to subsidize uneconomic large shopping centers is insufficient to justify unleashing extraordinary powers of redevelopment (Regus, 979; Emmington, 501). Even if one subarea of Hollywood were "blighted," the rest could not be added on.

City Council adopted "blight" and condemnation findings to subject to its martial law powers all the 95 % non-blighted buildings (2900 parcels with 3400 buildings) completely contrary to the obvious clear evidence and authority.

This was a violation of Fifth and Fourteenth Amendment rights.

E.
THERE IS NO RATIONAL NEXUS FOR THE ASSERTION OF CONDEMNATION POWER OVER THE PREDOMINATING NON-BLIGHTED PROPERTIESAND A WRONGFUL PUBLIC BURDEN HAS BEEN IMPOSED UPON AN ARBITRARY CLASS OF OWNERS AND TENANTS

Plan adoption eliminates key defenses to completion of eminent domain action and is in fact a finding of "public use" and Opinion purportedly conclusively validates the eminent domain findings of Ordinance 161 202. Just as with respect to Bunker Hill the Hollywood: "...proceedings should logically be considered in the nature of eminent domain,..." (Bunker Hill, 68-71). "(a) ...a resolution of necessity... conclusively establishes the matters referred to in Section 1240.030. (b) ... the resolution of necessity creates a presumption that the matters referred to in Section

1240.030 are true... (CCP 1245.250). CCP Section 1240.030 cites public interest and necessity, location and necessity of taking.

In practice adoption of the redevelopment plan has almost always satisfied California courts a form recital of texts of CCP 1240.030 and 1245.250 has established the "conclusive presumption" each property in the project area has been condemned and that cursory final steps of taking any property in a project area are satisfied by virtually summary court proceedings on taking issues contrary to the federal rights described in Grace Geothermal Corp. v. No. Calif. Power Agency, 619 F.Supp. 964, 968, 971 (1985).

Probably at least 10,000 redevelopment condemnations are pending annually in California and taking is denied in less than 1 % of the cases. There is no

rational nexus for taking any of the non-blighted buildings, since the condition for taking them relies upon supposed "blight" not present. "The evident constitutional propriety disappears, however, if the condition substituted for the prohibition utterly fails to further the end advanced as the justification for the prohibition." (Nollan v. California Coastal Commission, 483 U.S. 825, 837 (1987)). (Surfside Colony v. Calif. Coastal Commission, 226 Cal.App.3d 1260 (1991)).

The factual situation is the reverse of Berman. There is no burden from the unblighted buildings to justify imposing the condition of redevelopment and eminent domain for 30 years on their owners and tenants. (Ex117:2579).

Because a few parties may wish government benefits does not justify

requiring those not wishing any benefits to forgo their constitutional rights since there is no rational relation between the condition and the benefit. (Parks v. Watson, 716 F.2d 646, 652, 655 (9th Cir. 1983)). The right to own and control property has been unconstitutionally taken by establishing the conclusive presumptions of condemnation on over 3000 non-blighted structures just to cure a couple of hundred offenders.

The owners have a fundamental right to their property. (West Virginia State Board of Education v. Barnette, 319 U.S. 624, 638 (1943)). This is a personal right. (Lynch v. Household Finance Corp., 405 U.S. 538, 434-5; 31 (1972)). The fiction that assertion of jurisdiction over property is anything but an assertion of jurisdiction over the owner of the prop-

erty... is fundamentally unfair... (Shaffer v. Heitner, 433 U.S. 186, 212 (1977)). The dichotomy between personal liberties and property rights is a false one. (Dennis v. Higgins, 111 S.Ct. 865 (1991)).

A wrongful public burden has been imposed upon an arbitrary class of owners and tenants who keep their buildings in good condition. This is the type of intrusive governmental action which this court has uniformly found to be a taking: "[when] "regulation goes too far it will be recognized as a taking." (Pennsylvania Coal Co. v. Mahon 260 U.S. 393, 415 (1922)).

This is the same constitutional violation found in Nollan: "In short, unless the permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid

regulation of land use but "an out-and-out plan of extortion." (Nollan, 837).

The predominating majority of the owners and tenants have received no special benefit nor created any special public burden to justify imposing the extraordinary powers of redevelopment upon them. Indeed, the Fiscal Review Committee, chaired by Los Angeles County, found nearly all of the project area should be deleted, as not "blighted" and causing severe fiscal detriments to all taxing agencies. (Ex 117, CT 87). Property owners have the right to be free from arbitrary or irrational zoning or land use actions. (Brady v. Town of Colchester, 863 F.2d 205 (2d Cir. 1988)). The Opinion is completely in conflict with many decisions of this Court and the Supreme Courts of Ohio, Virginia and North Carolina.

CONCLUSION

The Order of the California Supreme Court is in serious conflict with protections of constitutional rights. It's very simple: How come Los Angeles is holding elections without notifying the voters? How come the voters are denied their right to vote on all the candidates? How come billions of dollars of sound properties are found to be in slum condition? This Court should review the case.

Dated: November 19, 1991.

Respectfully submitted,

David Morgan

Norton Halper

Susan B. Nelson

Katherine Armour

Karen Hale Wookey

Jamia Riehl

Petitioners in pro per

91-1175

FILED
NOV 19 1991
OFFICE OF THE CLERK

No.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1991

DAVID MORGAN, ET AL,
PETITIONERS

vs.

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
LOS ANGELES, ET AL,

APPENDIX TO
PETITION FOR A WRIT OF CERTIORARI TO THE CALIFORNIA SUPREME COURT

David Morgan
6262 Sunset Blvd.
Hollywood, Calif.
90028
Petitioner in pro per

APPENDIX A

Order of California Supreme Court denying rehearing and depublication of Opinion dated August 22, 1991

Second Appellate District, Division Seven, NO. B042936
S021685

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

DAVID MORGAN Et Al, Appellants
v.

COMMUNITY REDEVELOPMENT AGENCY CITY OF LOS ANGELES, Et Al., Respondents

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Petitions for review DENIED.
The request for an order directing depublication of the opinion is denied.

LUCAS
Chief Justice

APPENDIX B

Order of Second Appellate District Divison 7 denying rehearing dated June 17, 1991

OFFICE OF THE CLERK
COURT OF APPEAL
STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT
ROBERT N. WILSON, CLERK

DIVISION: 7 DATE: 06/17/91

David Morgan
6262 Sunset Blvd.
Hollywood, CA. 90028

RE: Morgan, David
VS.
Comm. Redeve. Agency/City of Los Angeles
2 Civil B042936
Los Angeles NO. C607002

THE COURT:

PETITIONS FOR REHEARING ARE DENIED

APPENDIX C

Opinion of Second Appellate District Division 7 denying Appeal dated May 16, 1991 and published at 231 CA3d 243 (1991) (text of typed Opinion).

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA SECOND APPELLATE DISTRICT DIVISION SEVEN .

No. B042936
(Super. Ct. No. C607002)

DAVID MORGAN, NORTON HALPER, et al.,
Plaintiffs/Appellants,
v.
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES, et al.,
Defendants/Respondents.

SUSAN B. NELSON, President of SAVE HOLLYWOOD OUR TOWN, et al.,
Plaintiffs/Appellants,
v.
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES, et al.,
Defendants/Respondents.

APPEAL from a judgment of the Superior Courtof Los Angeles County. Barnet M. Cooperman, Judge. Affirmed.

Page 244

David Morgan, for Plaintiff and Appellant in pro. per.

James K. Hahn, Los Angeles City Attorney, Patricia V. Tubert, Susan D. Pfann, and Kane, Ballmer & Berkman, R. Bruce Tepper, Jr., and Kathryn Reimann, attorneys for Respondents.

Gronemeier & Barker, Elbie J. Hickambottom, Jr., and Dale L. Gronemeier, attorneys for Appellants/Plaintiffs, Susan Nelson, Karen Hale Wookey, Katherine Armour and Jamia Riehl, officers of Save Hollywood Our Town ("SHOT").

Gronemeier & Barker, Dale L. Gronemeier and Elbie J. Hickambottom, Jr., attorneys for Appellant/Plaintiff, Norton Halper.

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INTRODUCTION

The Hollywood Redevelopment Project (the Project) was adopted by the Los Angeles City Council on May 7, 1986 and signed by the Mayor on May 9, 1986. It

establishes a project area of approximately 1100 acres in that part of the city known as Hollywood. The primary goals of the Project is the elimination of blight and revitalization of the area. The Project would divert tax increment funds to the Community Redevelopment Agency (CRA) during its lifetime of 30 years.

The area encompassed is an older portion of Hollywood generally bounded by LaBrea Avenue on the west; Franklin Avenue, the Hollywood Freeway and Hollywood Boulevard on the north; Serrano Avenue on the east; and Fountain Avenue and Santa Monica Boulevard on the south.

Included in the area are residential, commercial and industrial development constituting 796 net acres (exclusive of streets, freeways and other right of way) which are subdivided into 2908 sepa-

rate parcels of land with 2033 separate owners.

The CRA commenced setting up a Project Area Committee (PAC) in 1983. Elections to the PAC were conducted on December 13, 1983 and Joint Public Hearings on the Project were held on April 16, 1986. The proceedings leading up to the adoption of the Redevelopment Plan (The Plan) was a process of Plan review which required two and one half years, resulted in 120 community meetings, three days of public hearings and review by the City Planning Commission and the Los Angeles City Council. The Project Area Committee approved the adoption of the Redevelopment Plan. The Los Angeles City Council adopted the Plan by a two-thirds majority vote.

Plaintiff/Appellant Norton Halper filed a validation action in the Superior

Court of Los Angeles County which was consolidated with a similar action filed by parties identified as SHOT (Save Hollywood Our Town). Judgment was entered in favor of defendants/respondents the Community Redevelopment Agency and the City of Los Angeles on April 20, 1989, a timely notice of appeal was filed.

Page 249 ISSUES

Appellants have raised the following issues on appeal.

1. The Project Area Committee (PAC) did not meet the statutory requirements of self formation and representativeness.

2. The project area residents and property owners due process rights were violated by inadequate notice of the Project Area Committee (PAC) formation and the Joint Public Hearing.

3. The Los Angeles Community Redevelopment Agency (CRA) and the Los Ange-

les City Council were erroneous in their determination that the project area is blighted and that the determination is not supported by substantial evidence.

4. Appellants were improperly denied discovery by the trial court.

5. The trial court applied the improper standard of review in granting judgment upholding the validity of the Hollywood Redevelopment Project as approved and adopted by the Los Angeles City Council.

6. The trial court's finding that there was no credible evidence of appellants' allegations of fraud by the Community Redevelopment Agency and the City of Los Angeles in the formation and adoption of the Plan.

7. That the Redevelopment is not consistent with the City of Los Angeles General Plan.

8. That the trial court erred in awarding costs to Respondents and against Appellants Susan B. Nelson, Karen Hale Wookey, Jamia Riehl and Katherine Armour.

DISCUSSION

The Project Area Committee (PAC) was Self Formed as required by law and was Representative within the meaning of Health and Safety Code section 33385.

The Legislature has made provisions for the formation of a project area committee in section 33385 of the California Health and Safety Code.

> "The legislative body of a city or county shall call upon the residents and existing community organizations in a redevelopment project area, within which a substantial number of low- and moderate-income families are to be

> displaced by the redevelopment project, to form a project area committee. The project area committee shall include, when applicable, residential owner occupants, residential tenants, businessmen, and members of existing organizations within the project area. The members of the committee shall serve without compensation. "The legislative body shall approve a representative project area committee in each project area within 60 days after the project area is selected."

The trial court made the following findings regarding the formation of the PAC which are consistent with the record and supported by substantial evidence. The City adopted a resolution calling for the formation of a PAC to include property owners, residential tenants,

business owners, and existing community organizations. Four community organizations were to be appointed to the PAC by the council office; the remaining 21 members were to be elected by the community within the proposed project area.

The Community Redevelopment Agency (CRA) sent two separate mailings of a Notice of Formation of the Project Area Committee to the property owners of record in the proposed area and in addition distributed approximately 25,000 circulars throughout the project area on two occasions in August and November of 1983. Notices were published in community newspapers by the Agency and other publicity was generated by newspaper articles.

Six community meetings were held from June to November, 1983 at which redevelopment and the formation of the PAC

was discussed. An election was held in the Hollywood High School Auditorium on December 13, 1983 to form the PAC. Over 250 community members attended, a secret ballot was conducted. Nominations were accepted by a procedure prior to the meeting and from the floor, all nominees were given an opportunity to speak. The trial court found that the election of the PAC members was reasonably and regularly conducted.

The election resulted in a PAC consisting of four residential property owners, four residential tenants, six business owners or tenants, three industrial or manufacturing property owners or operators and four community organizations. Four additional community organizations were appointed to the PAC by the City Council office. Within 60 days of the selection of the project area,

the City Council approved as representative the Project Area Committee (PAC).

Health and Safety Code section 33385 as in effectin 1983 did not specify the method of the selection of the PAC members nor does the law provide for or requires election by the process of an election, appointment of mem-

bers is not precluded. The legislative body has broad discretion in the formation of the Project Area Committee. The PAC as formed had 21 elected members and 4 appointed members.

Substantial evidence supports the determination that the PAC was self formed and representative of the project area. The methods used in the formation of the PAC were consistent with Health and Safety Code section 33385 and independently reasonable.

There was no credible evidence that the PAC was unduly influenced or dominated by any group or agency in either its formation or functioning. Pursuant to Health and Safety Code section 33386 the Redevelopment Agency is to consult with and obtain the advice of the Project Area Committee. This was accomplished and the PAC approved the adoption of the Redevelopment Plan which was then adopted by the Los Angeles City Council by a two-thirds majority.

The Agency Complied with the Law in Providing Adequate Notice of the PAC Formation and the Joint Public Hearing.

Health and Safety Code section 33385 as it existed in 1983 did not describe the nature of notice to be given to residents of the project area and community organizations, "The legislative body of a city or county shall call upon the resi-

dents and existing community organizations," regarding the formation of the Project Area Committee (PAC). As will be subsequently discussed no statute specifies the manner of notice of the Joint Public Hearing on the Redevelopment Plan. In the absence of statutory provision the notice should be such as to reasonably give notice to those within the project area.

During the formation of the PAC the Agency made two mailings to the property owners in the project area, on two occasions distributed approximately 25,000 flyers, published notice three times in newspapers and conducted six pre-PAC formation community meetings. There is a lack of credible evidence that any other form of notice would have been more effective or that any persons were denied participation in the PAC formation.

The Joint Public Hearing is a public hearing concerning the enactment of the Redevelopment Plan. Notice of the hearing is provided for in Health and Safety Code section 33349: "Section 33349. "The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the

boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed to the last known assessee of each parcel of land in the

area designated in the redevelopment plan, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city; or to the owner of each parcel of land within such boundaries as such ownership is shown on the records of the county recorded 30 days prior to the date the notice is published. Copies of the notices shall also be mailed to the governing body of each of the taxing agencies which levies taxes upon any property in the project area designated in the proposed redevelopment plan. The notice shall be mailed by certified mail with return receipt requested."

Pursuant to the code requirements the Agency sent notice by certified mail to the owners of property within the pro-

posed project area as established by lists provided by the County of Los Angeles in January, 1986. Additionally the Agency sent notice to all persons requesting notice who appeared on the project's mailing list, whether or not such person owned property within the proposed project area. Although not required by the code, the Agency on April 4, 1986 caused to be distributed approximately 21,600 notices to residences and businesses throughout the project area. Although Health and Safety Code section 33349 requires publication of the notice in one newspaper, the Agency published notice in two newspapers of general circulation distributed within the project area. The record also indicates that prior to and during the hearing process there was significant media coverage of the Redevelopment Plan and process.

Apparently appellants urge that the Agency was required to send notices of the Joint Public Hearing toeach assessee on the 1985-1986 County tax assessment role, which would include all joint owners of the parcel of property, including spouses and children of joint owners and further if an assessee owned more than one parcel that the Agency would be required to send he or she a notice for each parcel within the project area. The evidence indicates that numerous persons owned more than one parcel of property, several owning more than ten parcels each. Approximately 500 assessees own at least two parcels each in the Project area. There are 2,023 property owners for 2,908 parcels of real property.

Health and Safety Code section 33349 provides that notice be sent to "the last known assessee" of each parcel of land.

If an assessee owns more than one parcel of landa single notice is sufficient under the statute. Likewise the statute does not require a notice to be sent to each joint owner of the parcel of property.

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In the case of Herrington v. Weigel (1978) 82Cal.App.3d 676, 682-683, the court held that a directive to send notice to assessees does not require that each assessee receive a separate notice. A co-tenant's due process rights were not violated because separate notices of an "Intent to Deed Property to the State" for failure to pay back taxes were not sent. In that case section 3701 of the Revenue and Taxation Code provided; " .. . the tax collector shall send a notice by registered mail of the intended sale to the last assessee of each portion of

the property at his last known address." The court held that "there is no requirement in the code that "each" assessee be sent a separate copy or copies. The assessees have some duty to designate how they want their names to appear on the tax rolls." In Herrington the co-tenant could lose his interest in the real property by forfeiture if not notified by the co-owner assessee who received notice, a harsh result, the instant case would not result in such a drastic action but rather involves the designation of the property as a parcel within the Community Redevelopment Plan.

Although it is reasonable to conclude from the record that some assessees may have not received a notice by certified mail of the Joint Public Hearing, the number is disputed by the parties and substantial evidence supports the conclu-

sion that the Agency made a good faith effort to satisfy the code requirements, of notice to those property owners within the project area. Any defects were technical and not substantial. There is substantial evidence that the Agency attempted to inform the public and property owners in the project area as to the various steps and meetings in the process of the adoption of the Redevelopment Plan, there is no credible evidence that the Agency pursued a policy of suppressing or failing to make available notices and information regarding the Redevelopment Project. The meetings were well publicized and well attended.

In Downtown Palo Alto Committee for Fair Assessment v. City Council of Palo Alto (1986) 180 Cal.App.3d 384, 389, 390, a Streets and Highway Code section 36522 required the notice of the adoption of an

assessment district be mailed to "each business in the proposed, or established area." The facts indicated that about 25 percent of the businesses did not receive notice, 179 of 727. The appeals court affirmed the trial court's holding that the City had substantially complied with the statute. The court held at pages 394-396:

"Literal compliance with the statute would also be unreasonably burdensome to cities seeking to establish improvement areas. . . . And if we were to demand strict compliance with the statute, failure to send the requisite notice to a single business in the proposed improvement area could result in

the invalidity of the entire procedure. Nothing in the statutory scheme suggests

that the Legislature intended such a harsh result. . . .

"The requisite notice must promote and satisfy the objectives of the law; but if it does so, mere technical, insubstantial noncompliance with the provision . . . that notice of the hearing must be sent to 'each business' in the proposed improvement area will not invalidate the proceedings."

The appellants each received notice of the Joint Public Hearing and no claim of lack of notice was made at the Joint Public Hearing. Appellants have failed to show that a substantial number of persons failed to receive notice or that any owners of property sustained prejudice by lack of notice. Any error, irregularity or omission by the Agency did not affect the parties substantial rights. In re De-

velopment Plan for Bunker Hill (1964) 61 Cal.2d21, 43, 44.)

The Determination by the Community Redevelopment Agency and the City of Los Angeles that the Project Area is Blighted is Supported by Substantial Evidence.

The statutory provisions applicable in order to make a determination of blight are as follows:

"Section 33030. Existence of blighted areas

"It is found and declared that there exist in many communities blighted areas which constitute either physical, social, or economic liabilities, . . . requiring redevelopment in the interest of the health, safety, and general welfare of the people of such communities and of the state.

" . . . A blighted . . . area is one which is characterized by one or more of

those conditions set forth in Sections 33031 . . .or 33032, causing a reduction of, or lack of, proper utilization of the area to such an extent that it constitutes a serious physical, social, or economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone.

"Section 33031. Blighted area; unfit or unsafe buildings

"A blighted area is characterized by the existence of buildings and structures, used or intended to be used for living, commercial, industrial, or other purposes, or any combination of such uses, which are unfit or unsafe to occupy for such purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime because of any one

or a combination of the following factors:

"(a) Defective design and character of physical construction.

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"(b) Faulty interior arrangement andexterior spacing.

"(c) High density of population and overcrowding .

"(d) Inadequate provision for ventilation,light, sanitation, open spaces, and recreationfacilities.

"(e) Age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses."

Health and Safety Code section 33032.

Blight is also found where properties suffer from economic dislocation, deterioration or disuse because of one or more of the following factors:

"(a) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

"(b) The laying out of lots in disregard of the contours and other topography or physical characteristics of the ground and surrounding conditions.

"(c) The existence of inadequate public improvements, public facilities, open spaces, and utilities which cannot be remedied by private or governmental action without redevelopment.

"(d) A prevalence of depreciated values, impaired investments, and social and economic maladjustment."

The Los Angeles City council in adopting the Redevelopment Plan had before it the Agency's Report to the Council consisting of 640 pages which included 219 pages describing conditions in

the project area. The community of Hollywood was originally a low density residential area which now consists of old and deteriorating buildings, seriously overcrowded housing conditions and a substantial number of seismatically unsafe commercial buildings. There is a lack of adequate housing, open space and transportation. Twenty-five percent of the commercial structures suffer construction defects in that they were built with unreinforced masonry.

The population of the project area increased 25 percent from 1970 to 1980, however, during the same period available housing only increased 2 percent. In 1980 approximately 5000 households had three or more occupants but only 2000 housing units had two or more bedrooms. Areas originally designed and built as

low density residential have been transformed into

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high density multi-family dwellings. The project area is deficient in park land.

The buildings are old and show deterioration. At least 36 percent of the single family residences show deferred maintenance, an additional 27 percent require moderate to heavy rehabilitation. There is adult entertainment in close proximity to schools and residences. There are incompatible industrial uses in the area.

Hotels and motels have shifted to use as transient rentals and regional retail uses have shifted to transient specialty shops.

The project area is poorly subdivided making proper development difficult because of land ownership patterns. Land

values have depreciated. There is a need for housing due to overcrowding but 86 percent of the residential parcels are below the threshold size for development. Over 20 percent of the land parcels fail to meet minimum zoning standards. Ninety-two percent of the residential property is separately owned but only 6 percent of the housing is owner-occupied. New development and reinvestment in the area is unlikely due to the low income of residents and their inability to support higher rents. The project area does not have the ability to support the present level of government services.

The reported crime rate for the project area is double the City-wide rate. The street scene is dominated by youthful runaways and the homeless. Private revitalization of the area is highly unlikely. The Redevelopment Agency and the

City Council heard testimony and evidence for and against the adoption of the Redevelopment Plan. The City Council adopted the Redevelopment Plan and made a determination that the project area was blighted. The trial court in addition to reviewing the record before it from the Redevelopment Agency and the City Council hearings permitted appellants to present contradictory evidence to the Record of Proceedings. The court heard 60 half days of testimony and reviewed documents presented by the appellants. After review of all the records and the additional testimony the trial court found the decisions and determinations of respondents in adopting the Redevelopment Plan, including the determination that the project area was blighted was supported by substantial evidence.

In the case of (In re Development Plan for Bunker Hill (1964) 61 Cal.2d 21, the California Supreme Court was faced with a factual situation very similar to the case at hand. The Redevelopment Plan for Bunker Hill was a massive

redevelopment within the central city area of the City of Los Angeles. The respondents objected to the final Redevelopment Plan, the determination of blight and the standard of judicial review. The Supreme Court upheld the final Redevelopment Plan and the determination of blight. "It becomes immaterial whether the actions of the agency and the city council in adoption of the Bunker Hill project be termed 'legislative' or 'administrative' in either event the trial court was correct in its refusal to reweigh the evidence and in confining it-

self to determining whether the findings and determinations of the inferior bodies were supported by substantial evidence." (At p. 40.) "The trial court was correct in its refusal to exercise its independent judgment on the evidence upon which the agency and the city council acted." (At p. 41.) "Moreover, objections are being accorded a judicial determination on the issue of blight through the substantial evidence review made in the subject proceeding by the trial court, and which is now before us on appeal." (At p. 41.)

The Supreme Court in the Bunker Hill case on page 40 in defining the scope of judicial review cited the matter of Pitts v. Perluss (1962) 58 Cal.2d 824, 833, 835,"As to the quasi-legislative acts of administrative agencies, judicial review is limited to an examination of the pro-

ceedings before the officer to determine whether his action has been arbitrary, capricious, or entirely lacking in evidentiary support." "The substitution of the judgment of a court for that of the administrator in quasi-legislative matters would effectuate neither the legislative mandate nor sound public policy."

In the matter of Fosselman's v. City of Alhambra (1986) 178 Cal.App.3d 806, 811-812, the appellant challenged the Redevelopment Plan adopted by the City and the finding of blight. The court held "In Community Development Law the Legislature delegated to the agency and the city council the power to determine blight as well as the power to adopt and implement redevelopment plans, the acts of the agency and the city council in carrying out such functions have been

termed legislative." (At p.811.) "The substantial evidence standard, not the independent exercise of the court's judgment, governs judicial review of the findings and determinations of an agency and legislative body in the adoption and approval of a redevelopment plan." (At p. 810.)

The Redevelopment Agency, the City Council and the trial court found substantial evidence of blight within the project area. This court finds that there is substantial evidence to sustain the determination by these bodies of blight, and the actions by the Agency and Council were neither arbitrary, capricious nor entirely lacking in evidentiary support.

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Differences of opinion, no matter how strongly presented, do not warrant

rejection of respondent's action, where it has been demonstrated that respondents were presented with opposing viewpoints, considered them extensively and on the basis of evidence selected one alternative rather than another. (Karlson v. City of Camarillo (1980) 100 Cal.App.3d 789, 803.)

THE TRIAL COURT DID NOT ERR IN LIMITING DISCOVERY

The scope of judicial review of a legislative type activity is limited to an examination of the record before the authorized decision makers to test for sufficiency with legal requirements. (Fosselman's, Inc. v. City of Alhambra (1986) 178 Cal.App.3d 806, 811-812.) A substantial evidence review is limited to the record before the Community Redevelopment Agency and the City Council, it is an examination of the proceedings before

the entities to determine if their actions were arbitrary, capricious, or entirely lacking in evidentiary support. The trial court reviews the decision making process of the administrative agency and does not conduct its own evidentiary hearing, thus discovery is limited.

California Community Redevelopment Law section 33000 et seq., Sections 33360-33364 set forth detailed provisions to challenge the adoption of a Redevelopment Plan, it established an administrative procedure to challenge the Plan's adoption. Notices are given and public hearings are held, objectors are given an opportunity to participate in the statutory hearing process. (Redevelopment Agency of County of Riverside v. Superior Court (1991) 228 Cal.App.3d 1487.) If the objectors fail to exhaust their administrative remedies they are fore-

closed from raising issues before the trial court not properly raised during the administrative hearing process.

Appellants attempted to subpoena parties and notice depositions, respondents filed a motion to quash. In each hearing before the court appellants failed to make a sufficient showing to justify said discovery in a limited review situation. Appellants had participated in the public hearings and were given an opportunity to present evidence and raise whatever issues they thought were important and relevant. Their failure to raise an issue or present evidence at the public hearings operates as a waiver of presenting such evidence or raising said issue before the trial court, whose function it is to review the record. The record exceeded 9000 pages in length. Appellants were afforded an

opportunity to review, challenge and proffer supplements to the Record of Proceedings. Appellants are not entitled to present additional or new evidence at the trial thus discovery pertaining to the introduction of new evidence is to be severely limited and within the sound discretion of the trial court. In the matter of Kahn v. East Bay Mun. Utl.District (1974) 41

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Cal.App.3d 397, 402, the petitioner attempted to introduce before the trial court evidence of water rates charged in some 23 communities to challenge the rates set by the municipal utility district. Said evidence was rejected in that petitioner was present at the public hearing on the setting of the water rates, and although he objected to the rates, he presented no evidence to sup-

port his objections. Thus he could not present additional or new evidence to the trial court not introduced at the hearing.

After the trial court had certified the Record of Proceedings as complete for purposes of review, the court denied appellant's renewed motion for discovery. Thereafter the court ruled on other requests for depositions and discovery. At each hearing appellant was permitted to make a showing that the documents sought or depositions requested were relevant and material to the preparation of their case for trial and had not been previously produced. Each time the trial court denied the discovery after full consideration of the motions. The trial court exercised its discretion in determining whether the discovery sought would lead to relevant and material evi-

dence. Appellants have failed to show that the trial court abused its discretion. Appellants sought to discover information which it could have sought and presented at the public hearings and has failed to show said information was not available at the time of the public hearings. Jeffery v. City of Salinas (1965) 232 Cal.App.2d 29, 39.) Failure to raise an issue in protest at the public hearing constitutes a waiver of the right to have that issue determined by the council of the court.

Discovery statutes vest a wide discretion in the trial court and exercise of that discretion will be disturbed only when it can be said there has been an abuse of discretion. An order compelling discovery must rest on a showing that the discovery is reasonably calculated to lead to admissible evidence in an adminis-

trative mandamus proceeding. (Mobil Oil Corp. v. Superior Court (1976) 59 Cal.App.3d 293, 304; City of Fairfield v. Superior Court, 14 Cal.3d 768, 774-775.)

On April 8, 1988 appellant Nelson filed a Petition for a Writ of Mandate with the Appeals Court to seek appellate review of a discovery protective order issued by the trial court. It was denied for failure to show an abuse of discretion.

THE TRIAL COURT CORRECTLY APPLIED THE APPROPRIATE STANDARD OF REVIEW

The trial court correctly determined that there was substantial evidence to support the actions of respondents, it is not for the trial court to

involve itself in the decision making process of a Redevelopment Agency and a City Council, the Legislature delegated

legislative decisions to those agencies and not to the courts. Judicial review is limited to whether there was substantial evidence to support the legislative decisions. (In re Redevelopment Plan for Bunker Hill (1964) 61 Cal.2d21, 40; Sanguinetti v. City Council of Stockton (1965) 231Cal.App.2d 813, 817; National City Business Assoc. v. National City (1987) 146 Cal.App.3d 1060, 1065; Fosselman's Inc. v. City of Alhambra (1986) 178 Cal.App.3d 806,811-812.) "A de novo type of review does not apply to quasi-legislative acts of administrative officers and judicial review is limited to an examination of the proceedings before the officer to determine whether his action has been arbitrary, capricious or entirely lackingin evidentiary support."

The Redevelopment Agency and the City Council have authority to designate

redevelopment areas and the court is not empowered to substitute its determination for the determination of the agency or the legislative body. (Babcock v. Community Redevelopment Agency (1957) 148 Cal.App.2d 38.) "The trial court should not reweigh the evidence but confine itself to determining whether the findings and determinations of the inferior bodies were supported by substantial evidence. . . . The trial court was correct in its refusal to exercise its independent judgment on the evidence upon which the agency and the city council acted." (In re Redevelopment Plan for Bunker Hill, 61 Cal.2d 21, 40-41.)

Appellants urge that the trial court applied the improper standard of review by determining that all of the acts of the agency and city council were quasi-legislative, wherein appellants argue

that certain acts such as the finding of blight, the factual findings that the redevelopment plan is economically sound and feasible and that the redevelopment plan conforms to the general plan of the community require factual findings which are quasi-judicial in nature.

A redevelopment plan is a comprehensive method to carry out the redevelopment of an area. Although the process of adoption of a redevelopment plan provides for the holding of public hearings and the taking of testimony along with examination of various criteria in arriving at its determinations, these determinations remain essentially legislative in character (City of Santa Cruz v. LAFCO (1978) 76 Cal.App.3d 381, 388); "An administrative agency such as LAFCO is nonetheless quasi-legislative in nature, though it holds public hearings and considers

'testimony presented by any . . . interested person who wishes to appear.' . . . The Legislature and administrators exercising quasi-legislative powers commonly resort to the hearing procedure to uncover, at least in part, the facts necessary to arrive at a sound and fair legislative decision. . . . Hence the presence of

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certain characteristics common to the judicial process does not change the basically quasi-legislative nature of the subject proceedings."

Sanguinetti v. City Council of Stockton (1965) 231 Cal.App.2d 813, 817-818. . . . "First it is to be observed that while the statutes refer to 'findings' to be made by the legislative body, in this case the city council, the word 'findings' is not to be equated with

that term as used in statutory provisions as to judicial proceedings. The hearing before the city council is not a judicial proceeding, nor is it required to be carried out with all the nicety or requirements for such proceedings. By the word 'findings' the Legislature plainly refers to certain specific determinations to be arrived at by the city council as a prerequisite to adoption. . . . Of course, the law does not contemplate that the legislative body will adopt a proposed redevelopment plan without determining generally that it complies with the applicable law and will be for the benefit of the community to be affected. . . .But all this is not to say that the Legislature required specific 'findings' and determinations in exact accord with the legislative language. Substantial compliance is sufficient." The California

Legislature has delegated to redevelopment agencies as legislative bodies the power and authority to determine blight and effectuate redevelopment. (In re Bunker Hill (1964) 61 Cal.2d 21, 52.) The court's function is to review the administrative record to determine if there is substantial evidence to support the determination of the administrative agency.

It is only in those cases, unlike the facts herein, where a party has acquired a fundamental vested right and the administrative decision substantially affects that fundamental vested right that the court will conduct an independent review of the evidence and the record. In those cases the vested right is deemed substantially significant to preclude its extinction by a body lacking judicial power. However, this must be decided on

a case by case basis. (Whalers Village Club v. California Coastal Commission (1985) 173 Cal.App.3d 240, 251; Bixby v. Pierno (1971) 4 Cal.3d 130, 146; 301 Ocean Ave. Corp. v. Santa Monica Rent Control Board (1981) 91 DAR 3970, 3971.)

THERE IS NO CREDIBLE EVIDENCE OF FRAUD BY THE CRA OR THE CITY IN THE FORMATION OF ADOPTION OF THE PLAN

Appellants convinced the trial court to permit testimony and documentary evidence, not contained in the administrative record, to support their allegations of fraud in the formation and adoption of the Redevelopment Plan.

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The trial court made express findings that appellants "produced no credible evidence supporting any of their fraud allegations against the Agency and the City of Los Angeles." Appellants were

granted wide latitude in the presentation of evidence, the hearing commenced on May 27, 1988 and concluded on September 23, 1988 and encompassed 60 one-half days of trial. Appellants called 34 witnesses and offered 116 exhibits outside the record of the administrative proceedings. The court admitted 42 of the exhibits and after having weighed all of the testimony and evidence negated the fraud allegations.

Unlike its review of the administrative record the trial court undertook an independent, de novo review of appellants fraud allegations. Although appellants have urged numerous allegations of fraud, each and every such allegation was rejected by the court after reviewing the evidence as being "not credible." (Johnson v. Pacific Indemnity (1966) 242 Cal.App.2d 878, 880.) "The trial court,

as the trier of fact . . . is the sole arbiter of all conflicts in the evidence, conflicting interpretations thereof and conflicting inferences which reasonably may be drawn therefrom; is the sole judge of the credibility of witnesses . . . and, in the exercise of sound legal discretion, may draw or may refuse to draw inferences reasonably deducible from the evidence." (Also see Milligan v. Hearing Aid Dispensers Examining Com. (1983) 142 Cal.App.3d 1002, 1005.) "The court's function . . . is to review errors of law and not pass on questions of fact. Even where a trial court must exercise its independent judgment on the evidence, the power of appellate courts begins and ends with a determination as to whether there is any substantial evidence, contradicted or uncontradicted, which will support the conclusion reached

by the trier of fact." (Bailey v. County of Los Angeles (1956) 46 Cal.2d132, 137.) The appellate court will not disturb findings of fact which support the trial court's orders; so far as it has passed on the weight of the evidence, the trial court's findings are conclusive.

The court found that the Agency complied with the law in giving notice of the formation of the PAC committee and proper notice of the Joint Public Hearings, that the Agency neither manipulated nor dominated the PAC committee, that the operations of the PAC were open and democratic, that the PAC was independent and that all hearings were well publicized, well attended and all public concerns were well aired.

THE REDEVELOPMENT PLAN IS CONSISTENT WITH THE CITY OF LOS ANGELES GENERAL PLAN

Appellants are requesting the court to invalidate the Redevelopment Plan by collaterally attacking the City of Los Angeles General Plan.

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The Record of Proceedings establish the existence of a General Plan for the City of Los Angeles. (Record exhs. 65, 65A, 65B.) The Plan is a lengthy document containing maps, text and diagrams. The City Planning Commission considered and reviewed the Redevelopment Plan and found that it conformed to the City's General Plan.

The City's General Plan was adopted at least ten years prior to the adoption of the Redevelopment Project in May 1986. The most liberal statute of limitation applicable to a challenge to the General Plan would be Code of Civil Procedure section 343 which provides, "an action

for relief not hereinabove provided for must be commenced within four years after the cause of action shall have accrued." It is untimely for appellants to attack the General Plan.

SHOT an appellant herein in another case previously challenged a trial court's determination that the plaintiff was barred by Code of Civil Procedure section 343 from attacking the sufficiency of the General Plan, Save Hollywood Our Town v. City of Los Angeles, No.B030192, 2nd District (1988). In an unpublished opinion the Appeals Court upheld the trial court's decision. The same parties are before the court with the same issue for determination.

The trial court's determination that the Hollywood Redevelopment Plan conforms to the City's General Plan is supported by substantial evidence.

THE AWARD OF COSTS AGAINST SHOT APPELLANTS WAS PROPER

The CRA and the City of Los Angeles filed a Cost Bill in the amount of $18,560.16, the court awarded costs against the SHOT appellants; Susan Nelson, Karen Hale Wookey, Jamia Riehl and Katherine Armour only in the amount of $6,133.15. The court exercised its discretion in reducing the amount of costs requested. The parties against whom costs were assessed are not property owners within the Project Area.

Appellants contend that under the reasoning of In re Development Plan for Bunker Hill (1964) 61 Cal.2d 21,71, that costs cannot be assessed against an objector in validation proceedings. In the Bunker Hill case the court held that the clearance of blighted areas and the redevelopment thereof are public uses.

That a property owner in the redevelopment area may be reluctant to give up her property resulting in eminent domain proceedings. That even though the party may not prevail in the trial court or on appeal she would be entitled to be free from costs in litigation of the action. (Collier v. Merced Irr. Dist.(1931) 213 Cal. 554, 572.) The owner is entitled to full compensation for her property, free from costs.

Page 264

The appellants herein who have been ordered to pay costs are not property owners within the Project Area. Their property will not be subject to condemnation and thus the assessment of costs would not reduce the value of their property.

The court specifically struck costs against any appellants who owned real

property within the Project Area to conform to the Bunker Hill holding.

As the prevailing parties the respondents are entitled to the costs in the reduced amount awarded by the trial court. (Cabello v. ITT General Controls (1984) 152 Cal.App.3d 1009, 1013; Code Civ. Proc., Sections 1032, 868.. The judgment is affirmed. NOT TO BE PUBLISHED. KALIN, J. We concur: JOHNSON, Acting P.J. WOODS (Fred), J.

(Text of typewritten Opinion from Court of Appeal used, supra. Published version has minor differences).

ANNOTATIONS TO APPELLATE OPINION, supra, 231 CA3d 243 (1991), presented by Appellant Morgan in Petition for Review to California Supreme Court:

Page 248

1. Concealed goals should be mentioned which include the imposition of eminent domain for private developers under the legal fiction of public use and the confiscation of $ 922 million property taxes to subsidize private developers that would otherwise protect life and property.

2. Court correctly ruled CRA set up PAC thus it could not have been "self-formed."

Page 249

3. List of issues omits several issues such as Neighborhood Impact Report and includes fraud which was not subject of appeal.

Page 250

4. Since Council ordered 4 community organizations to be appointed PAC was not "self-formed."

5. Decision omits fact electorate was expanded to add businesses and absentee property owners not specified as electors in HSC Section 33385.

6. Decision does not comment on Plaintiff survey showing 7859 of 16,000 residential units not notified.

7. Decision is false. CRA attorneys stipulated there was no paid newspaper notice of PAC election or formation. (RT 1417:25-27, ARB 32).

8. Decision omits key fact voters were only allowed by CRA to vote in own category.

Page 251

9. Appointment by the residents and existing community organizations is not precluded but appointment by CRA or Council is precluded by HSC Section 33385.

10. Actually HSC Section 33385 only allows the legislative body two discretionary actions: 1) Whether to call a PAC. 2) Whether to approve it.

11. Uncontradicted testimony was there was a voting bloc controlling PAC and bribed members (RT 3477-87, AOB 34).

12. See note 7, no paid newspaper notice was published.

13. Extremely detailed PAC Notice Survey evidence was offered and not admitted showing 7859 residential units not notified and why. No court has ever weighed the evidence. See Appellant's Motion to Admit Project Area Committee Evidence filed May 31, 1991 which was not heard.

Page 252

14. This misstates Appellant position. See Petition for Rehearing at vii,

notes 11:18 - 12:14. Simply notice must address each owner being notified with each parcel number being notified.

Page 253

15. Subjecting tenants and owners to eminent domain for 30 years for resale to private developers is certainly harsh and a drastic action. Tenants got no mailed notice at any time which is not due process.

Page 254

16. In CCP Sections 860-870 action as in class action rights of parties not appearing are litigated so irrelevant whether appellants noticed. Strict compliance is required due to imposition of eminent domain powers when CRA did not even substantially comply, prejudicing hundreds of assessees.

Page 255

17. Appellate Court did not use the current text of HSC Section 33032 describing the 7 step "blight" hierarchy effective Jan. 1, 1985 and has quoted obsolete 1976 text with a very lax standard of "blight," which was given James Regan (AOB 24, RT 5284:14-5285:27).

18. Many alleged "facts" are utterly false on page 7091. See detailed criticisms in Petition for Rehearing at viii-ix.

This is a prime example of the Court not finding the truth.

Page 256

19. The project area buildings are the exact opposite of Bunker Hill which had 60 % dangerous. Not over 3 % to 7 % in Hollywood could be called dangerous by CRA's own evidence.

Page 257

20. Bunker Hill never ruled "blight" findings quasi-legislative.

21. Term "substantial evidence" is not the same as "scintilla of evidence" which goes with "arbitrary, capricious, entirely lacking in evidentiary support." Due to imposition of eminent domain strict scrutiny de novo review is required.

Page 258

22. See analysis in Petition for Rehearing at ix-xi. Since there were fraud allegations discovery denial was improper.

23. HSC Sections 33360-33364 were not in effect in 1986 thus no exhaustion of remedies was required.

Page 260

24. A CRA is an executive body and the City Council is its legislative body.

Page 261

25. Court failed to show its reasoning why rights to life, health, property, due process do not exist or can be arbitrarily taken without strict scrutiny de novo review by preponderance of the evidence standards.

Page 262

26. Misstates Appellant position. Respondents admitted the General Plan was invalid. (Federation of Hillside and Canyon Associations v. L. A., LASC 526 616, Ap 7715, AOB 42-43, ARB 49). Simply no redevelopment plan could be adopted until there was a legal general plan. When Hamilton exposed this the Mayor threatened to fire him.

(See also list at pages vi-xii in Appellant Petition for Rehearing and Supplemental Briefing filed May 31, 1991 and discussions.)

APPENDIX D

Order of Second Appellate District Division 7 denying leave to file Appellant's Motion to Admit Project Area Committee Evidence dated May 31, 1991.

ORIGINAL JUN 12 1991

Permission to file DENIED

Johnson A. P. J.

APPENDIX E

Judgment of April 20, 1989

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

No. C 607 002 Consolidated With

No. C 607 295 ***

JUDGMENT

Trial in the above-captioned Consolidated Actions came on before the Honorable Barnet M. Cooperman on May 27, 1988, in Department 59 of the above Court. Plaintiff David Morgan appeared in Propria persona in Case No. C 607 002. Plaintiffs, Susan B. Nelson, Karen Hale Wookey, Jamia Riehl and Katherine Armour in Case No. C 607 295 and Norton Halper, Plaintiff in C 607 002, appeared through their counsel of record, Christopher Sutton, of Gronemeier, Barker & Huerta. Defendants, the City of Los Angeles and The Community Redevelopment Agency of the

City of Los Angeles, California, appeared through their counsel of record, William F. Childs, Deputy City Attorney, and R. Bruce Tepper, Jr. and Kathryn Reimann of Kane, Ballmer & Berkman.

Trial was held for in excess of 60 court half-days. Argument over the admission of exhibits was heard over an additional 11 Court half-days. Plaintiffs examined 34 witnesses. A total of 33 Exhibits were received into evidence, including the 10,000 page Record of Proceedings certified by Judge Warren H. Deering on July 6, 1988. Both sets of Plaintiffs each submitted Trial Briefs; Defendants jointly submitted a Trial Brief; Plaintiff David Morgan submitted a Reply Trial Brief. Supplemental Trial Briefs were also submitted by both Plaintiffs and Defendants during the course of Trial. In addition, both sets of Plain-

tiffs each submitted written Final Argument; Defendants submitted a joint Final Argument. Plaintiffs also submitted separate Reply Final Arguments. After a review of all papers in support of and in opposition to the Amended Complaints, after hearing testimonial evidence, and after hearing oral argument in support of and in opposition to the Amended Complaints, and after signing the Statement of Decision for the within action,

IT IS ORDERED, ADJUDGED AND DECREED as a judgment which is and shall be forever binding and conclusive upon the parties hereto and all persons interested in the validity of the Hollywood Redevelopment Project, as follows:

I. A. Ordinance No. 161,202 of the City Council of the City of Los Angeles approving and adopting the Redevelopment Plan for the Hollywood Redevelopment Pro-

ject is hereby declared to be adequate, sufficient, legal and valid in all respects.

B. The Redevelopment Plan for the Hollywood Redevelopment Project and the Hollywood Redevelopment Project are hereby declared to be adequate, sufficient, legal and valid in all respects.

C. Plaintiffs shall take nothing by these consolidated actions.

II. Judgment is entered in favor of Defendants and against plaintiffs on all Causes of Action.

III. Defendants are to recover costs against Plaintiffs Susan B. Nelson, Karen Hale Wookey, Jamia Riehl, and Katherine Armour only.

Dated: Apr 20 1989

BARNET M. COOPERMAN

Judge of the Superior Court

APPENDIX F

Statement of Decision of April 20, 1989

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

No. C 607 002 Consolidated With

No. C 607 295

STATEMENT OF DECISION

Trial in the above-captioned Consolidated Actions came on before the Honorable Barnet M. Cooperman on May 27, 1988, in Department 59 of the above Court. Plaintiff David Morgan appeared in propria persona in Case No. C 607 002. Plaintiffs, Susan B. Nelson, Karen Hale Wookey, Jamia Riehl and Katherine Armour in Case No. C 607 295 and Norton Halper, Plaintiffs in C 607 002, appeared through their counsel of record, Christopher Sutton, of Gronemeier, Barker & Huerta. Defendants, the City of Los Angeles and The Community Redevelopment Agency of the

City of Los Angeles, California [collectively, "Defendants"], appeared through their counsel of record, William F. Childs, Deputy City Attorney, and R. Bruce Tepper, Jr. and Kathryn Reimann of Kane, Ballmer & Berkman. During pre-trial proceedings, certain causes of action were dismissed by Plaintiffs and judgment entered pursuant to Code of Civil Procedure Section 631.8. Immediately prior to Trial, Plaintiff David Morgan was permitted to amend his complaint in certain respects in order that it conform to the causes of action filed in Case No. C 607 295 by Plaintiffs, Susan B. Nelson, et al. In doing so, however, a cause of action for violation of Public Records Act was not permitted because of Morgan's failure to plead the issue previously in a timely manner. As amended, the Com-

plaints enumerated the following causes of action:

Morgan et al. v. All Persons Interested

Case No. C 607 002 [First Amended Complaint]

CAUSES OF ACTIONI.

I. Finding of Blight Not Supported By The Evidence

II. Illegal Inclusion of Non-Blighted Property Within the Project Area

III. No Provisions Have Been Made for Payment for Property to be Acquired

IV. Project Fails to Promote General Welfare of Community

V. Inadequate Information for the Purpose of Determining the Economic Feasibility of the Redevelopment Plan

VI. Failure of the Redevelopment Plan to Adequately Describe the Redevelopment that is Contemplated

VII. Failure to Make Adequate Findings

VIII. Lack of Substantial Evidence to Support Finding that Private Enterprise Acting Alone Would Not Develop The Area

IX. The Effect of Tax Increment Financing Will Cause a Severe Financial Burden or Detriment on Any Taxing Agency Deriving Revenues from the Project Area

X. Violation of Purposes of Redevelopment Law

XI. Failure to Organize a Project Area Committee To Fairly Represent the Community as an Independent Public Body

XII. Lack of Feasible Method or Plan for Relocation of Displaced Families

XIII. No Basis for Finding of Availability of Substitute Dwellings at Comparable Costs

XIV. Failure to Provide Full and Fair Hearing

XV. The Redevelopment Plan is not Responsive to the Fiscal Review Committee Report

XVI. The Redevelopment Plan Does not conform to the General Plan

XVII. Inadequate and Misleading Preliminary Report

XVIII. Validation Action by All Plaintiffs Against All Defendants

XIX. Violation of Plaintiffs' Due Process and Equal Protection Rights by all Plaintiffs Against Agency and City

XX. Injunction to Restrain Illegal Expenditures and Waste of Public Funds Pursuant to C.C.P. Section 526(a) By All Plaintiffs Against All Defendants

XXI. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXII. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXIII. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXIV. Writ of Mandate Pursuant to C.C.P.Section 1085 By All Plaintiffs Against All Defendants

XXV. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXVI. Writ of Mandate Pursuant to C.C.P.Section 1085 By All Plaintiffs Against All Defendants

XXVII. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXVIII. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXIX. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXX. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXXI. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXXII. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXXIII. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXXIV. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXXV. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXXVI. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXXVII. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXXVIII. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XXXIX. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XL. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XLI. Writ of Mandate Pursuant to C.C.P. Section 1085 By All Plaintiffs Against All Defendants

XLIII. Writ of Mandate Pursuant to C.C.P. Section 1094.5 By All Plaintiffs Against All Defendants

XLVI. Project Area Committee Continuing Violations Pursuant to Health & Safety Code Sections 33385, et seq. By All Plaintiffs Against All Defendants

XLVII. Conflict of Interest Violations Pursuant to Government Code Section 87100 et g. for Injunction By All Plaintiffs Against All Defendants

Susan B. Nelson et al. v. CRA. et al.

Case No. C 607 295 [First Amended Complaint] CAUSES OF ACTION

I. Validation Action by all Plaintiffs Against All Defendants

II. Violation of Plaintiffs' Due Process and Equal Protection Rights by all Plaintiffs Against Agency and City

III. Injunction to Restrain Illegal Expenditures and Waste of Public Funds Pursuant to C.C.P. Section 526 (a) by all Plaintiffs Against All Defendants

IV. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

V. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

VI. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

VII. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

VIII. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

IX. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

X. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XI. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XII. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XIII. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XIV. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XV. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XVI. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XVII. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XVIII. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XIX. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XX. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XXI. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XXII. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XXIII. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XXIV. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants

XXV. Writ of Mandate Pursuant to C.C.P. Section 1085 by All Plaintiffs Against All Defendants [DISMISSED October 21, 1987]

XXVI. Writ of Mandate Pursuant to C.C.P. Section 1094.5 by All Plaintiffs Against All Defendants

XXVII. Writ of Mandate Pursuant to C.C.P. Section 526(a) by All Plaintiffs Against All Defendants [DISMISSED October 21, 1987]

XXVIII. California Public Records Act Order to Show Cause, Injunction, Pursuant to Government Code Section 6250, et seq. By All Plaintiffs Against All Defendants

XXIX. Project Area Committee Continuing Violations Pursuant to Health & Safety Code Section 33385, et seq. By All Plaintiffs Against All Defendants

XXX. Conflict of Interest Violations Pursuant to Government Code Section

87100, et seq. for Injunction By All Plaintiffs Against All Defendants

XXXI. Injunction for Violation of Ralph M. Brown Open Meeting Law, Government Code Section 54950, et seq., By All Plaintiffs Against All Defendants [DISMISSED October 21, 1987]

During Trial, Plaintiffs introduced evidence and made argument on the following material issues among others as disclosed by the transcripts of proceedings: (1) the formation and operation of the Project Area Committee; (2) the preparation of reports and the Record of Proceedings; (3) the existence of blight in the proposed project area; (4) the provision of notice of the Joint Public Hearing; and (5) allegations of fraud in the adoption process.

Trial was held for in excess of 60 court half-days. Argument over the admis-

sion of exhibits was heard over an additional 11 Court half-days. Plaintiffs examined 34 witnesses. A total of 33 Exhibits were received into evidence, including the 10,000 page Record of Proceedings certified by Judge Warren H. Deering on July 6, 1987. Both sets of Plaintiffs each submitted Trial Briefs; Defendants jointly submitted a Trial Brief;Plaintiff David Morgan submitted a Reply Trial Brief. Supplemental Trial Briefs were also submitted by both Plaintiffs and Defendants during the course of Trial. In addition, both sets of Plaintiffs each submitted written Final Argument; Defendants submitted a joint Final Argument. Plaintiffs also submitted separate Reply Final Arguments. After a review of all papers in support of and in opposition to the Amended Complaints, after hearing testimonial evidence, and

after hearing oral argument in support of and in opposition to the Amended Complaints, the Court rules as follows:

I. Defendants complied with all of the mandates and requirements of the Community Redevelopment Law [Health and Safety Code Sections 33000, et seq.] in preparing and adopting the Redevelopment Plan for the Hollywood Redevelopment Project [the "Redevelopment Plan"].

A. Standard of Review: Judicial review in these actions concerning the preparation and adoption of the Redevelopment Plan is limited to that of review of legislative or quasi-legislative action and is a substantial evidence review. Accordingly, in their decisions and determinations, the actions of the Defendants must be sustained unless their decisions are "arbitrary, capricious, entirely lacking in evidentiary support or

if [the Defendants] failed to follow the procedure and give the notices required by law" [Fosselman's, Inc. v. City of Alhambra, 178 Cal.App.3d 806, 812 (1986)]. It has also been held that such actions must be sustained "unless there is no reasonable justification for their actions" [In Re Bunker Hill, 61 Cal.2d 21, 38 (1964)]. De novo type of review does not apply to judicial review of the preparation and adoption of a redevelopment plan.

B. Defendants fully complied with all applicable statutory procedures in preparing and adopting the Redevelopment Plan.

1. The Hollywood Project Area Committee (the "PAC") was properly formed. Health and Safety Code Section 33385 provides that if a proposed redevelopment project could result in the displacement

of a substantial number of low- and moderate-income families, the legislative body shall call for the formation of a project area committee. A project area committee is an advisory committee to the Agency which must be formed and approved as representative within 60 days of the selection of the proposed project area.

In complying with these procedures, the Defendants took the following actions:

a. The City adopted a resolution calling for the formation of a PAC to include property owners, residential tenants, business owners, and existing community organizations. Four community organizations were to be appointed to the PAC by the Council office; the remaining 21 members of the PAC were to be elected by the community within the proposed project area.

b. The Agency provided two separate mailings of a Notice Of Formation of Project Area Committee, by first class mail, to all property owners of record in the proposed project area. The Agency also caused approximately 25,000 circulars to be distributed throughout the proposed project area on two separate occasions, in August and November, 1983. In addition, the Agency caused a number of newspaper articles and notices to be published in community newspapers in the area,concerning the formation of the PAC.

c. The Agency conducted a total of six community meetings from July to November, 1983, at which meetings the concept of redevelopment and the formation of the PAC were discussed.

d. On December 13, 1983, an election was held for members of the community in the Hollywood High School Audito-

rium for the formation of the PAC. In excess of 250 community members attended and participated in the formation of the PAC. Secret ballots were passed out and collected, liberal election qualification requirements were verified, nominations were accepted both by prior qualification and from the floor, and nominees were accorded an opportunity to speak. There was no evidence that any qualified individual was denied the opportunity to participate in this election. The election of members to the PAC wac reasonably and regularly conducted.

e. A PAC consisting of four (4) residential property owners, four (4) residential tenants,six (6) business owners or tenants, three (3) industrial or manufacturing property owners or operators, and four (4) community organizations was selected by the community at

that election. Four (4) additional community organizations were subsequently appointed to the PAC by the Council office.

f. On January 6, 1984, within 60 days of the selection of the project area, the City Council approved as representative the PAC members elected at the community meeting of December 13, 1983 and the four members appointed by the Council office.

The efforts of the Defendants in undertaking the above-described course of action were reasonable, complied with notions of due process, were supported by substantial evidence, and did not violate any statutory or decisional guidelines concerning the formation of a project area committee. The categories of PAC membership mentioned in the statutory scheme are not exclusive, but serve as guidance for a determination of represen-

tativeness. The actions of Defendants were reasonable and calculated to include as many persons in the PAC formation process as possible and practical.

2. The operation of the PAC was regularly and openly conducted, and the Agency fully complied with its duty to consult with and obtain the advice of the PAC. The PAC or its subcommittees met in excess of 100 times to advise and consult with the Agency on the preparation of the Redevelopment Plan. Actions taken were by majority rule and minutes of the PAC meetings were regularly prepared, reviewed, approved and maintained. Copies of approved PAC Minutes were included in the Agency's Report to Council.

No request for funding of legal counsel or other material or services was made by the PAC to the legislative body, as required by Section 33388. Evidence

established that the PAC was aware of this provision and consciously took no action. The Agency reasonably provided services and materials pursuant to the "equivalent resources" provision of Section 33388. There was no evidence that any information material to the PAC's operation was withheld from the PAC.

3. The actions of Defendants leading to the preparation and adoption of the Redevelopment Plan fully complied with the requirements of the Community Redevelopment Law. All the documents required to be prepared and all the reviews required to be undertaken were performed and were adequately set forth in the Record of Proceedings, which was reviewed and upheld by Judge Deering on July 6, 1987 and accepted into evidence by this Court on October 21, 1988. The Record of Proceedings shows clearly what actions

were taken by Defendants in adopting the Redevelopment Plan, and the reasons therefor. The Record of Proceedings clearly shows that the Redevelopment Plan as adopted was the product of consensus and compromise to the needs of the community as perceived by the persons and organizations who involved themselves in the process, including the Hollywood PAC, residents and business owners of the project area, the City's Planning Department, and the Councilperson representing the district in which the project area is located. Approval of the Redevelopment Plan was not the result of duress or undue pressure on the part of any person or group. The application of City Charter$ 97.2 is preempted by the State Community Redevelopment Law.

4. The Redevelopment Plan was adopted in conformity with the General

Plan for the City of Los Angeles. The issue was considered twice by the City Planning Commission which found the Redevelopment Plan to be in conformance with the General Plan. There is substantial evidence in the Record of Proceedings supporting the City Council's determination of conformity, pursuant to Health and Safety Code Section 33367.

5. The actions of Defendants in providing notice of the Joint Public Hearing fully complied with the statutory provisions set forth in Health and Safety Code Section 33349, as well as notions of due process. In addition to providing adequate certified mail notice to property owners in the project area, as established by the Record of Proceedings, the Defendants also caused notice of the Joint Public Hearing to be distributed door-to-door in the project area, and

caused the Notice of Joint Public Hearing to be published in two community newspapers. Separate certified mail notice for each parcel or for each individual assessee is not required.

C. The decisions and determinations of Defendants in adopting the Redevelopment Plan, including the determination that the project area is blighted, are supported by substantial evidence, contained in the Record of Proceedings. The Agency's Report to Council consisted of 640 pages of materials, including 219 pages describing the existing conditions in the project area. These materials were made available to the public in advance of the Joint Public Hearing. Testimony in favor of and against the adoption of the Redevelopment Plan was heard and considered by Defendants. The existence of objections to the Rede-

velopment Plan did not operate to nullify the substantial evidence presented to the City Council indicating, inter alia, the existence of blight within the definitions of Health and Safety Code Sections 33030, et seq. Differences of opinion, no matter how strongly presented, do not warrant rejection of Defendants' action, where it has been demonstrated that Defendants were presented with opposing viewpoints, considered them extensively and on the basis of evidence selected one alternative rather than another. Karlson v. City of Camarillo, 100 Cal.App.3d 789, 803 (1980). In any event, even at Trial, Plaintiffs adduced no evidence contradicting the material contained in the Report to Council.

II. There is no evidence to support any of Plaintiffs' allegations of fraud against the Agency or City. Because of

the seriousness of allegations of fraud against public entities and the importance of the Redevelopment Plan to the City and County of Los Angeles, this court has reviewed all of Plaintiffs' allegations of fraud under a de novo, independent standard of review, pursuant to the foundational requirements of City of Fairfield v. Superior Court, 14 Cal.3d 768, 775 (1976). Plaintiffs did participate in and were heard at the Joint Public Hearing. There is nothing in the Record of Proceedings and no evidence was adduced to show that Plaintiffs made any allegations of fraud at that time, or that they were otherwise prevented from making such allegations.

After carefully considering all the evidence offered by Plaintiffs on this issue, the Court finds no credible evidence to support any of their fraud

allegations. Plaintiffs accused the Agency of committing fraud at nearly every step in the development of the plan, including the preparation of the Record of Proceedings. No evidence was adduced which supported such allegations.

III. There is no evidence to suggest that any violation of the Political Reform Act has occurred. No evidence was adduced with respect to any conflict by any member of the City Council or Agency Board of Commissioners. Similarly, no evidence was presented to support any claim by Plaintiffs that the Hollywood PAC, at the time of its formation or at the time the Redevelopment Plan was adopted, was required to but failed to comply with any guideline or requirement of the Political Reform Act. The opinion of In Re Rotman, 10 FPPC Opinions 1 (1987), overturning the prior opinion of

In Re Bonfa, 2 FPPC Opinions 146 (1976), was not issued until May, 1987, more than one year after the Redevelopment Plan was adopted. No probative evidence of any conflict by any person was adduced.

IV. No evidence was presented of any violation of the Public Records Act by Defendants.

V. The actions of the City Council of the City of Los Angeles, and the Board of Directors of The Community Redevelopment Agency of the City of Los Angeles, California, in connection with the preparation and adoption of the Hollywood Redevelopment Plan are therefore validated. The Hollywood Redevelopment Plan is therefore found and held to be valid and effective.

Dated. APR 20 1989

BARNET M. COOOPERMAN

Judge of the Superior Court

APPENDIX G

Statutes, rules involved

U. S. Constitution Amendment I provides, in part: Congress shall make no law... abridging... the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

U. S. Constitution Amendment V provides, in part: No person shall...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U. S. Constitution Amendment XIV provides in part: ...No State shall make or enforce any law which shall abridge the privileges or immunities or citizens of the Untied States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor

deny to any person within its jurisdiction the equal protection of its laws...

California Constitution Article III, Section 1 provides: The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.

California Health and Safety Code ("HSC") provides:

HSC 33032 (Amended Stats 1976 ch 1336 Sec. 3) (effective until December 31, 1984 was superseded).

HSC 33032 (Stats 1984 ch 147 Section 2, effective after January 1, 1985 and naming elements 2B, 3, 4, numbers added infra).

A blighted area is characterized by [2B] properties which suffer form economic dislocation, deterioration, or disuse be-

cause of one or more of the following factors which cause [3] a reduction of, or lack of, proper utilization of the area to such an extent that it constitutes a serious physical, social, or economic burden on the community which [4] cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone.

(a) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

(b) The laying out of lots in disregard of the contours and other topography or physical characteristics of the ground and surrounding conditions.

(c) The existence of inadequate public improvements, public facilities, open spaces and utilities which cannot be

remedied by private or governmental action without redevelopment.

(d) A prevalence of depreciated values, impaired investments, and social and economic maladjustment...

HSC 33320.1. ..."predominantly urbanized" means that not less than 80 percent of the privately owned property in the project area:

(1) Has been or is developed for urban uses; or

(2) Is characterized by the conditions described in subdivisions (a), (b), or (e) of Section 33032; or

(3) Is an integral part of an area developed for urban uses...

HSC 33321. A project area need not be restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare, but may consist of an area in which such

conditions predominate and injuriously affect the entire area...

HSC 33385. (as in effect in 1986 until December 31, 1988). The legislative body of a city or county shall call upon the residents and existing community organizations in a redevelopment project area, within which a substantial number of low- and moderate-income families are to be displaced by the redevelopment project, to form a project area committee. The project area committee shall include, when applicable, residential owner occupants, residential tenants, businessmen, and members of existing organizations within the project area. The members of the committee shall serve without compensation.

The legislative body shall approve a representative project area committee in

each project area within 60 days after the project area is selected.

For project areas selected prior to March 7, 1973, the legislative body may, but shall not be required to, call upon the residents and existing community organizations to form a project area committee.

If the project will not displace a substantial number of low- and moderate-income families the agency shall either call upon the residents and existing community organizations to form a project area committee or the agency shall consult with, and obtain the advice of, residents and community organizations as provided for project area committees in Section 33386 and provide such persons and organizations with the redevelopment plan prior to submitting it to the legislative body.

Nothing contained in this section shall prevent an agency, or the legislative body of any city or county, from creating any other committee for a project area.

HSC 33385. (As amended Stats 1988 ch 1404 sec. 1 effective after January 1, 1989) CT 20185). Formation of committee; Duties

(a) The legislative body of a city or county shall call upon the residents and existing community organizations in a redevelopment project area, within which a substantial number of low- and moderate-income families are to be displaced by the redevelopment project, to form a project area committee.

(b) The legislative body shall, by resolution, adopt a procedure pursuant to this section for the formation of the project area committee. The procedure

shall include, but not be limited to, all of the following:

(1) Publicizing the opportunity to serve on the project area committee.

(2) Conduct by the agency of a minimum of one public meeting to explain the establishment of, functions of, and opportunity to serve on, the project area committee. At the public meeting, the agency shall distribute copies of the procedure adopted pursuant to this subdivision, the redevelopment plan or the pertinent portions thereof, and any other materials the agency determines would be useful.

(3) Providing published notice of all meetings, hearings, or plebiscites conducted by, or on behalf of, the agency or legislative body relative to the formation and selection of the project area committee in the same manner as specified

in subdivision (a) of Section 65090 of the Government Code.

(4) Providing written notice to all residents and businesses in the project area of all meetings, hearings, or plebiscites conducted by, or on behalf of, the agency or legislative body relative to the formation and selection of the project area committee. This mailed notice requirement shall only apply when mailing addresses to all individuals and businesses, or to all occupants, are obtainable by the agency at a reasonable cost. The notice shall be mailed by first-class mail, but may be addressed to "occupant." In lieu of providing separate notice for each meeting, hearing, or plebiscite, the agency may provide a single notice pursuant to this paragraph stating all dates, times, and locations of any meetings, hearings, and plebiscites relative

to the formation and selection of the project area committee.

If the agency has acted in good faith to comply with the notice requirements of this paragraph, the failure of the agency to provide the required notice to residents or businesses unknown to the agency or whose addresses cannot be obtained at a reasonable cost, shall not, in and of itself, invalidate the formation or actions of the project area committee.

(5) Any other forms of assistance which the legislative body requires in connection with the formation of the project area committee.

(c) The project area committee shall include, when applicable, residential owner occupants, residential tenants, business owners, and representatives of existing organizations within the project area.

The members of the committee shall serve without compensation.

(d) The legislative body shall approve a representative project area committee in each project area within 60 days after the project area is selected.

(e) For project areas selected prior to March 7, 1973, the legislative body may, but shall not be required to, call upon the residents and existing community organizations to form a project area committee.

(f) If the project will not displace a substantial number of low- and moderate-income families the agency shall either call upon the residents and existing community organizations as provided for project area committees in Section 33386 and provide such persons and organizations with the redevelopment plan prior to submitting it to the legislative body.

(g) Nothing contained in this section shall prevent an agency, or the legislative body of any city or county, form creating any other committee for a project area. However, these committees shall not be merged into the project area committee subsequent to the formation thereof and the members of these other committees shall not vote in meetings of the project area committee.

(h) The agency may charge fees to persons purchasing or leasing property from the agency in the project area and to persons participating in redevelopment of the project area under an owner participation agreement to defray any cost to the agency or legislative body in implementing this section.

HSC 33386 The redevelopment agency through its staff, consultants, and agency members shall, upon the direction

of and approval of the legislative body consult with, and obtain the advice of, the project area committee concerning those policy matters which deal with the planning and provision of residentail facilities or replacement housing for those to be displaced by project activities...

Ordinance 161 202 excerpts:

Section 5. The City Council hereby finds and determines:

(1) The project area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law of the State of California.

(6) The condemnation of real property, as provided for in the Redevelopment Plan for the Hollywood Redevelopment Project, is necessary to the execution of the Redevelopment Plan for the Hollywood Redevelopment Project and adequate provisions

have been made for payment for property to be acquired as provided by law.

HUD Local Public Agency Letter No. 458. Exhibit 108A, pages LC-56 through LC-59 (pages 123 - 126).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, WASHINGTON, D. C. 20410

June 24, 1968

OFFICE OF THE ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

LOCAL PUBLIC AGENCY LETTER NO. 458

SUBJECT: Increased Citizen Participation in Urban Renewal Projects - The Department of Housing and Urban Development is expanding its program requirements in order to increase opportunities for citizen involvement in the planning, development, and execution of HUD-assisted activities. Accordingly, LPA's shall encourage resident involvement

in all phases of urban renewal projects to the fullest possible extent.

This Letter requires the establishment of a Project Area Committee (PAC), made up of residents of the project area, for all urban renewal projects which involve residential rehabilitation and which are not yet in execution. In addition, the Letter also encourages the establishment of a PAC for all other urban renewal projects, irrespective of the renewal treatment involved or the project stage.

Citizens should have clear and direct access to decision-making in all stags of the urban renewal process in order to achieve:

1. More accurate determination of needs projects should meet and the development of policies and programs responsive and relevant to these needs.

2. Involvement by citizens in the development and execution of policies and programs in order to further their own growth and development.

3. Firmer commitment of citizens to projects.

This Letter explains how urban renewal projects are affected by this policy and sets forth pertinent procedures designed to carry out the policy.

The provisions of the Letter do not apply to urban renewal projects in model neighborhoods under the Model Cities Program. In cases of urban renewal projects in areas being planned as model neighborhoods, Model Cities guidelines and performance standards for citizen participation will apply.

NEW REQUIREMENTS

All Urban Renewal Projects

The Survey and Planning Application for all urban renewal projects shall include a statement from the Workable Program Citizens Advisory Committee on the appropriateness of the timing and location of the proposed project.

Urban Renewal Projects Involving Residential Rehabilitation

A Project Area Committee (PAC) shall be established for all urban renewal projects, except those in model neighborhoods, in which residential rehabilitation activities are contemplated.

The PAC shall be established in cooperation with local residents and groups. It shall be representative of a fair cross section of the residents of the urban renewal area and shall adopt no financial deterrents to membership or participation by residents of the urban renewal area.

The LPA shall work closely with the PAC to assure that citizens participate in the formulation and execution of plans for renewal of the area and improvement of the condition of its residents. Sufficient information about the project shall be made available to residents for these purposes.

Where an existing neighborhood organization in the project area either meets the requirments for a PAC or adapts itself to meet them, it may serve as the PAC. Other neighborhood organizations which may exist or be formed in the project area shall relate to the LPA through the PAC. The PAC shall be the forum for these organizations to participate in the project.

The LPA may also make arrangements with the PAC for the PAC to assist in the utilizations of residents in various ca-

pacities in the project such as interviewers or relocation aides. Arrangements may include the PAC selecting residents or setting up training programs fo them. The LPA may provide the PAC with necessary technical assistance.

Other Urban Renewal Projects

The LPA is encouraged to establish a PAC for all other urban renewal projects, in which residential rehabilitation activites are not contemplated, and to support and work with such a PAC as described above. Establishment of a PAC for such projects is not a program requirment, however.

ELIGIBLE COSTS

Eligible costs include amounts to cover the LPA providing the PAC with necessary technical assistance, administrative and secretarial staff, and office space and equipment. Costs of arrange-

ments with the PAC in connection with the utilization of residents in the project area are also eligible.

Estimated costs for support of the PAC shall be submitted with the Survey and Planning Application and with Part I of the Application for Loan and Grant.

APPLICABILITY

The submission requirements set forth above apply to all urban renewal projects which have not received approval of the initial Part I or an Application for Loan and Grant prior to issuance of this Letter. With respect to projects for which a Part I has been approved, the initial Part II submission shall include the required documentation with respect to a PAC to be established for the execution stage of the project. The HUD Regional Office will advise the LPA if the documentation described in this Letter is re-

quired to be submitted in connection with a Survey and Planning Application or with Part I or Part II or an Application for Loan and Grant presently under review or approved after the date of this Letter.

MANUAL REVISIONS TRANSMITTED

Section 4-2-1, Page 3. A new code Item, R 217, requiring a Report on Citizen Participation, has been added.

Section 10-2-3. A new section, Citizen Participation, has been added requiring the establishment of a Project Area Committee (PAC) for projects involving residential rehabilitation activities and setting forth related criteria for LPA support of the PAC. The section also describes documentation required to be submitted with the Survey and Planning Application and with Part I of the Application for Loan and Grant with respect to the PAC.

Section 109-4-1, Page 3. The Report on Urban Renewal Area, submitted with the Survey and Planning Application, has been expanded to add Item No. 13 covering data about the PAC, and Item No. 14 requiring a statement from the Workable Program Citizens Advisory Commitee as to the timing and location of the proposed project.

Section 10-4-2, Page 4. A paragraph ("Report on Citizen Participation') has been added describing data required to be submitted with Part I of the Application for Loan and Grant to substantiate that the Project Area Committee has been established and that it meets the requirements set forth in Section 10-2-3.

Section 12-1-3, Page 1. Under the heading "Survey and Planning and Project Execution, "Item No. (2) has been expanded to incorporate material formely set forth under Items NO. (1)(c) and

(1)(d), and to cover the eligibility of costs for staff, consultant, and other suppoortive services to the PAC.

Section 31-2-2, Page 2. Under the heading "Rehabilitation and Conservation Activities," a sentence has been inserted to cover eligible costs of supportive services to the PAC.

s/

Assistant Secretary

Attachements

APPENDIX H

How federal question 1) of failing to notify the residents was raised in state courts

Morgan First Amended Verified Complaint, filed April 20, 1988, CT 17494 at 17535. EIGHTEENTH/FIRST CAUSE OF ACTION. A. Project Area Committee Violations... (ii) Agency managerial employees Donald W. Cosgrove, Donald Pelegrino, David Lewis and others in mutual agreement and conspiracy with one another avoided the requirements for the call of Health and Safety Cod Section 33385 by stating to the Los Angeles City Council that such a call would be made and then with knowledge of the requirement for the call failing to send notices to the residents, businesses and existing community organizations within the proposed Project Area as required by Section 33385 and by Los

Angeles City Council Resolution 83-1273 by, inter alia: (a) electing to employ a flier distribution company to satisfy the requirements of Health and Safety Code Sec. 33385 and Los Angeles City Council Resolution 83-1273 rather than using direct mail to persons throughout the proposed Project Area, with prior knowledge that such flier distribution companies, and in particular Certified Distributing Service, had failed to deliver all requisite notices in the past causing numerous complaints about lack of notification from community members in other redevelopment projects; (b) constructing deceptive wording of the purported notices, with knowledge from prior experience that the wording was decep-tive, which had the intended effect of not fully informing residents and community members and the intended effect of affir-

matively misleading residents and community members such that the purposed notices did not constitute a "call" within the meaning of Section 33385;... CT 17602. NINETEENTH/SECOND CAUSE OF ACTION. Violation of Plaintiff's Due Process and Equal Protection Rights by All Plaintiffs Against Agency and City.... By failing to call upon the residents to form a Project Area Committee,... by failing to mail required notices,...

See Petition for Review in California Supreme Court filed June 25, 1991 by David Morgan, page 3, Issues presented. 4) Did 1983 PAC and 1986 hearing notices fail to meet requirements of actual notice and warning or rights to be infringed (Am I, V, XIV)? DO OVER 30,000 TENANTS GET DUE PROCESS NOTICE OF PAC FORMATION SO THEY CAN USE THE PAC TO DEFEND THEMSELVES FROM RELOCATION OR DO AMENDMENTS

I, V AND U. S. SUPREME COURT DECISIONS NOT APPLY?

See Appendix P herein, Notice to Residents; See Appendix S herein, Declaration of David Morgan Re: 1983 PAC Election Notice and Residential Unit Survey by Plaintiffs of September 22, 1988 ("Survey"), with list of evidence.

APPENDIX I

How federal question 2) of diluting voting rights of residents was raised in state courts

Morgan First Amended Verified Complaint, filed April 20, 1988, CT 17494 at 17516. ELEVENTH CAUSE OF ACTION. Failure to Organize a Project Area Committee To Fairly Represent the Community as an Independent Public Body. Defendants did not call upon the residents and existing community organizations to form the project area committee. Some members of the project area committee were appointed. The committee did not adequately represent residential owner occupants, residential tenants and members of existing organizations within the project area. Low and moderate income families were not adequately represented on the Project Area Committee. Sixteen of twenty-five

members of the PAC were businessmen, many of whom had conflicts of interest. CT 17538 EIGHTEENTH/FIRST CAUSE OF ACTION. [Defendants] manipulated the categories of membership on the Project Area Committee for the 1983, 1985 and 1986 Committee elections in a way which controlled the composition of the Committee and excluded persons who would otherwise be opposed to or critical of the proposed redevelopment project in Hollywood and did so with knowledge that their actions would have these effects; such manipulation included, inter alia; (a) unilaterally fixing the number of seats in each candidate category; (b) unilaterally creating an illegal category of "absentee property owner" and then combining this candidate category with the "residential owner-occupant" category mandated by Health and Safety Code Section 33385 with the in-

tended effect of allowing absentee property owners to take Committee seats form residential owner-occupants in violation of Section 33385; unilaterally creating an illegal category of "industrial/ manufacturing/warehousing" as a separate category in addition to the "business" category mandated by Section 33385 with the intended effect of allowing businesses, in particular, members of the Hollywood Chamber of Commerce, which made the initial request to have the Community Redevelopment Agency create a project area in Hollywood and which advanced the Community Redevelopment Agency $ 150,000 for an initial study, to acquire a disproportionately large dominant number of seats on the Project Area Committee;... allowing businesses, absentee property owners and others favoring the Project to acquire a disproportionately

large number of seats thereby excluding residents and persons opposed to the Project; and this conspiracy is reflected in memoranda and other writings between conspirators;.. (viii)...(b) by unilaterally deciding to limit to one vote each residential household with the intended effect of disenfranchising thousands of residents and skewing the qualified voter list in favor of businesses and specifically in favor of the co-conspirator members of the Hollywood Chamber of Commerce ;.. CT 17602. NINETEENTH/SECOND CAUSE OF ACTION. Violation of Plaintiff's Due Process and Equal Protection Rights by All Plaintiffs Against Agency and City. 122/19. By failing to call upon the residents of the Project Area to form a Project Area Committee, by failing to honor the Project Area Committee representativeness requirements, by engaging in

widespread fraudulent, collusive and corrupt actions, with knowledge of the false and corrupt nature of such actions, by failing to mail the required notices, and by failing to follow statutory procedures with respect to consideration of the redevelopment Plan thereto by a representative Project Area Committee, plaintiffs and other interested persons were denied notice of their right to representation through a Project Area Committee, were denied their right to influence decision-making through a duly-constituted Project Area Committee, and were denied their right to require a 2/3 vote of the City Council to enact Ordinance No. 161,202. See Petition for Review in California Supreme Court filed June 25, 1991 by David Morgan, page 3, Issues presented. 5) Were residents and organizations denied protection form CRA via self-form-

ing PAC and fair voting (Am I, HSC Section 33385)? ARE THE RESIDENTS THREATENED WITH LOSS OF HOMES AND TENANCIES ENTITLED TO FORM A PAC TOTALLY INDEPENDENT OF THEIR ADVERSARIES, THE CRA AND CITY, OR CAN THE CONDEMNORS RIG THE NUMBER IN SEAT CATEGORIES, APPOINT MEMBERS, ADD BUSINESSES TO THE ELECTORATE, AND PREVENT RESIDENTS FROM VOTING FOR ALL CLASSES OF SEATS? 6) Did CRA/City prevent PAC from full and fair hearings, acting as independent body and arms length bargaining (Am I, V, HSC Section 33366)? MAY CRA CONCEAL THE PAC VETO POWER, SLIP IN THE CRA ATTORNEY TO REPRESENT THE PAC ALSO AND GIVE FALSE LEGAL ADVICE, DOCTOR THE MINUTES, OBSTRUCT THE PUBLIC FROM SPEAKING AND SUBVERT THE ENTIRE INTENT OF PAC LAW?

See Appendix N herein. Memorandum of Points and Authorities on Legislative In-

tent of Health and Safety Code Section 33385, Project Area Committees, June 20, 1988, by David Morgan, CT 17908.

See Appendix O herein. Plaintiff's Memorandum Re Statutory History of Health and Safety Code Section 33385 et al, Project Area Committees, June 20, 1988, by Christopher Sutton, CT 17889.

See Appendix Q herein. City Council motion to form PAC, November 18, 1983.

See Appendix R herein. City Council resolution to approve PAC, January 6, 1984.

APPENDIX J

How federal question 3) of taking eminent domain powers over predominantly non-blighted areas was raised in state courts

Morgan First Amended Verified Complaint, filed April 20, 1988, CT 17494 at CT 17496, FIRST CAUSE OF ACTION, Finding of Blight not Supported by the Evidence. CT 17500, Paragraph 17, The project area defined by the redevelopment plan which is the subject of this action is not predominated by any of the elements of "blight" as set forth in Health and Safety Code Sections 33030 through 33032, nor is any substantial portion of such area so characterized or predominated. The project area, in fact, does not exhibit a preponderance of deteriorating structures wherein the inhabitants of the area are subjected to physical dangers or health hazards. CT 17502 SECOND CAUSE OF ACTION,

Illegal Inclusion of Non-Blighted Property Within the Project Area. CT 17511 EIGHTH CAUSE OF ACTION. Lack of Substantial Evidence to Support Finding that Private Enterprise Acting Alone Would Not Develop the Area. CT 17531 EIGHTEENTH/ FIRST CAUSE OF ACTION. Validation Action by All Plaintiffs Against All Defendants. CT 17582. I. Inadequate Public Use/Blight Findings and Violations. CT 17584. J. The Requisite Blight Finding was Insupportable. CT 17585. K. Failure to Make Specific Blight Findings. CT 17585 L. Inadequate Eminent Domain Findings and Violations. There was no evidence of proposed developments for the Project Area requiring the use of eminent domain for parcel assembledge... <u>There was no evidence of blight in the record to justify a public-purpose required for eminent domain by California Constituion</u>

Article I, section 19, and U. S. Constitution Amendments 5 and 14... CT 17593. R. Violations of the 80% "Predominantly Urbanized" Independent Blight Threshold ... defendants City and Agency failed to make a finding ... that 80% (eighty percent) of the private property in the Project Area is specifically characterized by the blight conditions of section 33032 (a) and (b)... CT 17612. TWENTY-EIGHTH/ELEVENTH CAUSE OF ACTION. Inadequate blight findings in 4 sub-parts. CT 17613. TWENTY-NINTH/TWELFTH CAUSE OF ACTION. Inadequate blight findings. CT 17614. THIRTIETH/THIRTEENTH CAUSE OF ACTION. Inadequate eminent domain findings. CT 17615. THIRTY-SECOND/FIFTEENTH CAUSE OF ACTION. Inadequate private enterprise paralysis findings. CT 17618. THIRTY-SIXTH/ NINETEENTH CAUSE OF ACTION. 80 % of private property not "blighted."

CT 17619. THIRTY-SEVENTH/TWENTIETH CAUSE OF ACTION. Conclusive presumption unconstitutional and violates due process, equal protection and property rights. See Petition for Review in California Supreme Court filed June 25, 1991 by David Morgan, page 3, Issues presented. 2) Has right to employment, work and business been infringed by adoption of false private sector paralysis and no fiscal detriment findings (Am V, XIV, HSC Sections 33030, 33032)? 3) Did CRA/City infringe rights to property by failing to meet seven strict "blight" requirements (Am V, HSC Sections 33030, 33032)? IS THE 40 YEAR OLD STATUTORY AND CASE LAW MANDATORY PREREQUISITE OF 51 % TO 80 % DANGEROUS OR SUBSTANTIALLY DETERIORATED BUILDINGS NOW OVERRULED SO 3 % TO 7 % IS ENOUGH? See Appendix L herein.

APPENDIX K

Quotations of authorities on condemnation for private uses. See Reply Brief of Appellant Morgan, Mar. 18, 1991, 2 - 15.

A. THE TIME OF MOSES

"Thou shalt not covet thy neighbor's house, thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbor's." (Exodus, 20:17 (ca. 1500 B. C.).

B. ROMAN TIMES

"And it is not pretended that, even under the arbitrary government of the Roman emperors, it was lawful or justifiable for the sovereign to take the property of one citizen and give it to another, where the public interest was not concerned in such transfer." (1 Domant's Civil Law, b. 1, tit. 2, 13).

(Varick v. Smith and the Attorney General, 5 Paige 137, 159 (N. Y. 1835).

C. THE TIME OF MAGNA CARTA

31. Neither we nor our bailiffs shall take another's wood for castles or for other private uses, unless by the will of him to whom the wood belongs (Magna Carta, Ch. 31, 1215 A. D.).

"Law of the Land" refers to Magna Carta (Ch. 39 (a. k. a. Ch. 29), 52, 56). Private use disseizure of land was terminated after 17 years: "The constitution of 1777 did not delegate any authority to the legislature to take the property of one person and give it to another, with or without compensation...The words "by the law of the land," have been held to mean by due course and process of law." (Taylor v. Porter, 4 Hill 140.). They do not mean, a statute passed for the purpose of working the wrong. (Ibid. 145)

Justice Bronson, in the above case, holds that the section was taken, with some modifications, from a part of the 29th chapter of Magna Charta, which provides, that no freeman shall be taken or imprisoned, or be disseized of his freehold, but by the lawful judgment of his peers, or by the law of the land. (2 Story on Const. 661, { 1783.) (Embury v. J. and W. C . Conner, 4 N. Y. Super. Court 98, 106 (4 Sandford) 1848) (See also 3 N. Y. 511 (1850) emphasis added). See: Nesbitt v. Trumbo, 39 Ill. 110, 113, 117 (1866).

D. THE TIME OF THE AMERICAN REVOLUTION

That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent. (Declaration of Rights, In Congress at Philadelphia, Oct. 14, 1774).

See: Associates of the Jersey Co. v. Mayor and Common Council of Jersey City and John C. Morgan, 8 N. J. Eq. (4 Halst.) 715, 722 (1850); Daniel J. Hoye v. James Swan, 5 Md. 237, 244 1853); Dickey v. Tennison, 27 Mo. 373, 374, 376 (1858); Moore v. Smaw, 17 C 199, 218-9 (1861); Dunham and Beach v. Williams and Parker, 36 Barbour 136, 163 (N. Y. 1862); (Bennett v. Boyle, 40 Barbour (N. Y.) 551, 555 (1863); Coster v. The Tide Water Co., 18 N. J. Eq. (3 C. E. Green) 54, 68 (1866); Memphis Freight Co. v. Mayor and Aldermen of Memphis, 44 Tenn. 419, 428 (4 Coldwell) (1867) Sherman v. Buick, 32 C 241, 242 (1867).

"And it seems to us that the assertion of a right on the part of the legislature to take the property of one citizen and transfer it to another, even for a full compensation, where the public

interest is not promoted thereby, is claiming a despotic power, and one inconsistent with every just principle and fundamental maxim of a free government. (Osborn v. Hart, 24 Wis. 89, 93 (1869) emphasis added).

See: (Loughbridge v. Harris, 42 Ga. 500, 504, 505 (1871); New Central Coal Co. and Alexander Shaw v. George's Creek Coal and Iron Co., 37 Md. 537, 551 (1872); Joshua Allen v. Inhabitants of Jay, 60 Me. 124, 139, 142 (1872); (Con. Channel Co. v. CPRR Co., 51 C 269, 727-3 (1876); Edgewood RR Co's. Appeal, 79 Pa. St. 257 (29 P. E. Smith) (1876); (Moulton v. Parks, 64 C 166, 183 (1883); Mc Quillen v. Hatton, 42 Ohio St. 202, 204, 205 (1884); Eureka Basin Co. 96 N. Y. 42, 48, 49 (1884); (Nickey v. Stearns Rancho Co., 126 C 150, 153 (1899); (In Re

Opinion of the Justices, 98 NE 611, 614; 211 Mass 624 (1912)).

E. TWENTIETH CENTURY GERMANY

"3. The judge has no right to scrutinize decisions made by the Fuhrer and issued in the form of a law or decree. The judge is also bound by any other decisions of the Fuhrer which clearly express the intention of establishing law." (Jan. 14, 1936 directive to judges, Pridham, Geoffrey, ed., Documents on Nazism, 1919-1945, Viking Press, N. Y., 1945, at 273.

F. JAPANESE-AMERICAN RELOCATIONS

"So sweeping is the panel majority's new rule, the executive branch may remove American citizens from their homes and impound them in camps, solely on the grounds of race, and courts will not interfere, no matter what facts are shown. (Hohri, 793 F. 2d 305).

G. POSTWAR RELOCATIONS

"It is inconceivable that any one would seriously contend that the acquisition of real estate for the declared purposes set forth in the proposed Redevelopment Plan is for a public use or purpose." (Adams v. Housing Authority of Daytona Beach et al, 60 So. 2d 663, 668-9 (1952). See: Housing Authority of City of Atlanta et al v. Johnson et al, 74 S. E. 2d 891, 893-4 (1953); City and County of San Francisco v. Ross, 44 Cal. 2d 52, 59; 279 Pac. 2d 529 (1955); People ex rel Department of Public Works v. Lagiss, 223 CA2d 23, 41; 35 CR 554 (1963)).

APPENDIX L

Declaration of David Morgan on Conditions of Buildings, Exhibit 110. October 18, 1988, CT 20904, extract

DECLARATIONS OF DAVID MORGAN, PATRICIA MORLEY, AND DOROTHY HALPER RE; PARCELS ALLEGEDLY "BLIGHTED" ACCORDING TO EXHIBITS 43, 44, TRANSFER SHEETS

DECLARATION OF DAVID MORGAN, October 14, 1988, text omitted ***

DECLARATION OF PATRICIA MORLEY, October 14, 1988, text omitted ***

DECLARATION OF DOROTHY HALPER, October 14, 1988, text omitted ***

CT 20915 - 20945, extract

COMPILATION OF DATA FROM TRANSFER SHEETS OF HOLLYWOOD LAND USE DATABASE ("LUDB")

Re: Parcels alleged blighted

There were about 2920 parcels in the project area, as of late 1983 - early 1984. (CAR page 2813).

There are about 3424 primary structures in the project area. (CAR page 1992).

According to Baseline Market Assessment parcels with buildings in the categories of substantial deterioration ("SD"), heavy rehabilitation ("RH") and moderate rehabilitation ("RM") are alleged "blighted." (CAR page 2870).

Parcels in the SD, RH and RM categories have been listed at pages A - X, herein. Dividing 695 by 2920 (the number of parcels in the project area) yields 23.80 % of the parcels with buildings allegedly blighted in all categories.

Some 169 parcels have buildings in the categories of heavy rehabilitation and substantial deterioration. Dividing 169 by 2920 (the number of parcels in the project area) yields 5.78 % of the

parcels with buildings allegedly blighted in these categories.

The Project Area contains 1100 acres or 47,960,000 square feet. According to the sums of the areas of parcels on pages A - X there are 214,850 square feet of parcels with the worst condition of a building substantially deteriorated or 0.45 % of the project area, 1,374,463 square feet of parcels with the worst condition of a building heavy rehabilitation or 2.87 % of the project area and 4,990,414 square feet of parcels with the worst condition of a building moderate rehabilitation or 10.41 % of the project area.

The total area of parcels with the worst building condition substantially deteriorated, heavy rehabilitation or moderate rehabilitation is 6,579,727

square feet or 13.72 % of the project area.

The total area of parcels with the worst building condition substantially deteriorated or heavy rehabilitation is 1,589,313 square feet or 3.31 % of the project area.

ABBREVIATIONS USED IN TABLES

Page is the page number in the hand-written Transfer Sheets, Ex 43 and 44. Prefix A refers to Ex 43 and B to Ex 44. Area is the size of the parcel in square feet.

For convenience REF refers to the page number from LUDB, ex 73-75. # refers to the number of the entry on the LUDB page, which have 10 entries per page.

Building conditions are shown as follows:

Designation	Abbreviation
Sound	S
Deferred Maintenance	DM
Moderate Rehabilitation	MR
Extensive Rehabilitation, Heavy Rehabilitation	RH
Substantially Deteriorated	SD

Public Improvement Deficiencies ("PUBIMPRV") are designated (Exhibit 33 B, page 1-25, CAR page 2008):

Designation	Abbreviation
Curbs and Gutters	CG
Driveway Aprons	DA
Street Lighting	LI
Sidewalks	SI
Street surfaces, trees, maintenance, alleys	ST

For comparison blight claimed by LUDB is marked Y for yes and N for no but these designations do not appear as such

in Ex 43 and 44. "LOT" means a vacant lot.

Parcel # is Los Angeles County Assessor's parcel number.

DUP BLDGS means duplicate buildings where more than one building is on a parcel.

(Pages A - X omitted ***)

OTHER DATA SUMMARIZED

On page Y there are reproduced the summations of the columns from pages A - X.

L-7

PAGE Y

TOTALS FROM PAGES A - X

TOTALS BY COUNTS OF BUILDINGS

PG	S	DM	RM	RH	SD	PUB IMPRV	LOT ONLY
A	3	15	28	4		21	
B	3	5	23	16	2	6	
C	11	8	17	13		31	
D	4	7	24	15		17	
E	4	5	21	17	2	15	1
F	5	10	26		4	25	4
G	3	5	37	4		13	1
H	4	4	28	11	2	11	
I	4	5	39	1	3	11	
J	2		30	16	1	8	1
K	1	6	39	2	2	9	
L		1	35	12	2		
M	4		33	12		6	1
N	7	13	23	3	1	26	3
O	3	4	26	17		8	1
P	2	8	37	3		11	
Q	1	4	33	11		7	1
R	3	3	31	9		12	
S	5	5	37	3		24	
T	8	9	25	6	2	20	
U	4	2	22	16	2	9	4
V	1	5	33	8	1	14	1
W	4	4	32	9		14	
X		2	35	12	1	7	
TOTALS	86	130	714	220	25	324	19

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PAGE Z

TOTALS FROM PAGES A - X

TOTALS BY COUNTS OF PARCELS

PG	AREA RM+RH+SD PARCELS (sq. ft.)	# PARCELS WITH BLDG CONDITION GIVEN					
		S	DM	RM	RH	SD	
A	162,695	38	3	9	23	3	
B	296,995	37	3	2	19	10	2
C	156,004	33	8	7	12	4	
D	352,863	42	3	6	20	13	
E	199,455	42	4	4	20	11	2
F	118,627	38	5	3	19		2
G	374,828	44	2	4	32	4	
H	244,926	39	4	4	24	3	2
I	226,324	29	2	5	18	1	3
J	329,932	39	2		23	11	1
K	514,093	36	1	6	26	1	2
L	588,607	40		1	28	9	2
M	360,536	44	3		27	11	
N	141,242	43	7	12	15	2	1
O	241,526	35		3	4	12	10
P	190,850	35	2	7	24	3	
Q	289,875	43	1	3	28	9	
R	211,298	37	2	2	20	8	
S	184,512	25	3	4	16	3	
T	273,011	41	7	8	21	4	2
U	214,871	38	4	2	19	4	2
V	283,250	43	1	2	29	7	1
W	380,866	37	3	4	21	9	
X	242,541	34		1	25	7	1
TOTALS							
	6,579,727	912	71	100	526	146	23

APPENDIX M

Quotations and Citations of authorities on health and mortality effects of relocation. (See Appellate Opening Brief 6-18, sources reproduced in appeal appendix, "Ap")." It is a matter of common knowledge, and hence of judicial notice, that highway construction (such as the Hollywood Freeway), and redevelopment (such as that on Bunker Hill, Los Angeles) resulted in the displacement of thousands of persons... Eminent domain awards, depleted by costs of moving and relocation, were insufficient... A natural disaster, perhaps, could not have created more personal havoc." (Parking Authority v. Nicovich, 32 CA3d 420, 427, 108 CR 137 (1973) emphasis added).

...federal urban renewal program has actually made it more difficult for low-income and middle-income groups to obtain

housing...by destroying much more of this kind of housing than it has created... Approximately two thirds of the people who are forced out of their homes are Negroes, Puerto Ricans, or ... minority... privately referred to as the "Negro removal" program...B y March of 1963 over 609,000 people had been forced to pack their belongings and leave their homes... (A Massachusetts Institute of Technology and Harvard University study, Anderson, Martin, The Federal Bulldozer, The Massachusetts Institute of Technology, Cambridge, Massachusetts (1964) (Ap5998, 6009-6010, emphasis added).

San Francisco Yerba Buena redevelopment (extreme stresses on 4000 residents, mostly lower income and elderly, being displaced), in two books by Prof. Chester Hartman. (Yerba Buena, Land Grab and Community Resistance in San Francisco,

Ap6474) and The Transformation of San Francisco, Ap 6599). (Forced displacements for high rise offices, luxury developments and convention center) (Chronology, Ap6491, 6605). See: Hartman, Chester, Relocation: Illusory Promises and No Relief, Virginia Law Review, 57 (5), 745 (1971) (Ap6436); Hartman, Chester, The Housing of Relocated Families, J. of Amer. Inst. of Planners, 30 (4), 266 (1964) (Ap6413); Hartman, Chester, The Transformation of San Francisco, Rowman and Allanheld,San Francisco, (1984) (Ap6599); Hartman, Chester, Yerba Buena, Land Grab and Community Resistance in San Francisco, Glide Publications for the National Housing and Economic Development Law Project, Earl Warren Legal Institute, University of California, Berkeley, (1974) (Ap6474).

Public demolition of 2.38 million units showed much higher housing costs most adverse to poorer (Hartman, supra, Ap6413, 6436).

3. ...88.6 percent of the individuals had experienced some level of grief which was associated with having to move. Four years later, 57.3 percent of the individuals are still experiencing some level of grief. (Hawkins, Homer, Knowledge of the Social and Emotional Implications of Urban Renewal and the Utility of this Knowledge to the Practice of Social Work, Michigan State Univ. Ph. D. Thesis, (1971), Ap6609).

Even when patients were kindly moved to new ward after fire death rate rose from 7.5 % to 20 %. (Aleksandrowicz, Dov R., M. D., Fire and its Aftermath on a Geriatric Ward, Bulletin of the Menninger Clinic, 25 (1) 23 (Jan. 1961) Ap5991).

When home for chronically disabled was closed for administrative reasons and its residents relocated anticipated mortality for all ages was 19 % but actual mortality was 32 % (Aldrich and Mendkoff, Ap5977). See Aldrich, C. Knight, Personality Factors and Mortality in the Relocation of the Aged, The Gerontologist, 4, 92 (1964) Ap5989)). See also: Aldrich, C. Knight, M. D. and Ethel Mendkoff, M. A., Relocation of the Aged and Disabled: A Mortality Study, Journal of the American Geriatrics Society, 11 (3), 185, 188 (March 1963), Ap5977)

Stockton patients over 60 had mortality (Killian, Eldon C., Effect of Geriatric Transfers on Mortality Rates, Social Work, 15, 19-26, (January 1970)(Ap6636):

79 RELOCATED TO STATE HOSPITALS	65 RELOCATED TO EXTRA-MURAL HOMES

% DEATHS WITHIN 4 MONTHS		
CONTROL, not relocated	1.27 %	1.54 %
EXPERIMENTAL, relocated	6.33 %	13.85 %

Mrs. A. C. Hagen testified on District of Columbia: "Urban renewal is a traumatic experience for people involved in it. Loss of home, neighbors, money, months of sleepless nights of worry are the common lot... In a small area near 12th and Independence-8 or so square blocks-we know of 11 deaths since this program began, 4 cases of mental illness, 2 strokes, 2 college dropouts, 3 families broken, tension, allergies, numerous hospitalizations, mounting medical expense, and nearly everyone feeling upset or unwell... it is possible to say that many health problems were aggravated by renewal problems." (Hagen, Hagen, Mrs. A. C., Columbia Plaza Public Hearing, May

24, 1960; Congressional Record, 106 (11), 14580 (June 27, 1960)Ap7252, emphasis added).

The relocation major life event, "moving house," is a stressor. Stress yields organic disease susceptibility: cardio-vascular disease, infectious diseases, cancers (Graham, Neil M. H., Univ. of Adelaide, Psychological Stress as a Public Health Problem: How Much do we Know?, Community Health Studies, 12 (2) 151 (1988) Ap6403).

U. S. Senate testimony of Robert M. Angier (Ap4405): One item not appearing in the leaflet is the provable fact that several deaths must be blamed squarely upon the machinations and persecutions of our local Los Angeles Community Redevelopment Agency (Ap7307, supra, emphasis added).

Bryton and Ella Barron wrote a book (The Inhumanity of Urban Renewal, 1965, Crestwood Books, Box 301, Springfield, Virginia, Ap 5174) summarizing redevelopment health dangers.

Relocation effects on small business persons duplicate effects on residents plus much job loss and business mortality. Redevelopment in 21 projects in 14 American cities led to 756 of 2949 firms discontinued, 25.6 % (Kinnard, William N., Jr., and Malinowski, Zenon S., The Impact of Dislocation from Urban Renewal Areas on Small Business, University of Connecticut, Storrs, Conn. (July 1960), Ap6644 at 6695-6704). 1/3 of displaced Providence businesses closed, 86.1 % of owners had lower income (Zimmer, Basil G., Brown Univ., Rebuilding Cities, the Effect of Displacement and Relocation on Small

Business, Quadrangle Books, Chicago, (1964)Ap7366).

...over 60,000 small businesses have been dislocated by over 1,000 urban renewal projects in more than 500 cities. Of the businesses dislocated, close to 20,000 went out of business upon displacement, a liquidation rate of thirty-three per cent (Berry, Brian J. L, Parsons, Sandra J., and Platt, Rutherford H., The Impact of Urban Renewal on Small Business, Center for Urban Studies, The University of Chicago, Chicago (1968) Ap6145). Hyde Park A, B and Kenwood redevelopment projects in Chicago displaced 641 businesses, 207 (31 %) closed when dislocated and 201 (30 %) briefly reopened but closed by end of 1966 (Ap6191).

APPENDIX N

Memorandum of Points and Authorities on Legislative Intent of Health and Safety Code Section 33385, Project Area Committees, Filed June 20, 1988, by David Morgan, L. A. S. C. C 607 002, (Clerk's Transcript ("CT") 17908. This memorandum summarizes and quotes the various proposed and adopted versions of HSC 33385 from 1968 onwards. See also the 1500 pages of Legislative History in Exhibit 108.

APPENDIX O

Plaintiff's Memorandum Re Statutory History of Health and Safety Code Section 33385 et al, Project Area Committees, June 20, 1988, by Christopher Sutton, CT 17889. "Voting rights of classes of persons can be unconstitutionally impacted by the application of an otherwise valid scheme. Carrington v. Rash 380 U.S. 89, at 94, 13 L.Ed.2d 675, at 679, S. Ct. (19): "'Fencing out' from the franchise a sector of the population because of the way it may vote is constitutionally impermissible." [Emphasis added]. The rights of the low-income, transient, alien, non-English speaking persons were adversely affected by allowing the businesses and absentee owners to vote for and hold a majority of seats on the Hollywood PAC. Collier v. Menzel 176 Cal. App. 3d 24, 221 Cal. Rptr. 110 (1985)....

The Citizens [Against Forced Annexation v. Local Agency Formation Commission 32 Cal. 3d 816, 187 Cal. Rptr. 423, 654 P.2d 193 (1982)] case shows why the limitation to residents is not irrational as defendants contend. It is to protect a weaker class of persons during the redevelopment adoption process. The very purpose of the PAC's existence (protection of residents) calls for only those impacted to form the committee. Such limitations are constitutionally permissible Sayler Land Co. v. Tulare Lake Basin Water Storage District 410 U.S. 719, 35 L.Ed.2d 659, 93 S.CT 1224 (1973). As applied to the facts in Hollywood the process used by the agency was both a violation of the statute and a violation of due process and equal protection of the law."

APPENDIX P

Notice to residents, November 1983.

(Exhibit 117, at Exhibit 5, page 36)

Hollywood Redevelopment Advisory Committee to be Elected

Notice of two community meetings to form a Project Area Committee

Wednesday, November 30, 1983 - 6:30 p.m.

Tuesday, December 13, 1983 - 6:30 p.m.

To: Residents, Business Owners, Property Owners and Community Organizations

There will be two community meetings held at the Hollywood High School auditorium. The first meeting will be held to discuss the formation of the Project Area Committee (PAC) and to answer any general questions regarding the redevelopment planning process. The first information meeting will be held on Wednesday, November 30, 1983 - 6:30 p.m. The second meeting to elect the PAC members will be held on

Tuesday, December 13, 1983 - 6:30 p.m. The doors will open for registration at 6:00 p.m. Hollywood High School is located on 1521 North Highland and there is limited parking off Highland. We urge you to attend these important meetings. The PAC is an advisory group whose members are elected by the community at a public meeting. PAC membership is composed of resident owner occupants, tenants, property owners, business owners and representatives from existing organizations which serve the community. The responsibility of the PAC is to serve as a formal means through which the community can participate by advising the CRA on matters which affect the area. The CRA will consult with and obtain the advice of the PAC during the preparation of the proposed redevelopment plan, and if the plan is approved by the City Council and CRA,

during implementation of the redevelopment project. You are eligible to vote the night of the election if you are located within the boundaries outlined in the attached map; are at least 18 years of age and you are in one of the above designated categories. You should bring proper identification with you to this meeting, such as a valid driver's license or current identification card, proof of property ownership, business ownerships, rent receipt, business license, or other forms of acceptable proof to qualify you to vote. Please attend these meetings so that you may elect your representatives on the Project Area Committee. If you have any question regarding the information meeting and/or the public election meeting or whether you qualify as a member of the PAC, please contact the Community Redevelopment Agency at 977-1631

daily between 8:30 a.m. to 4:30 p.m. We will be glad to assist you and answer your questions.

s/ E Helfeld

Edward Helfeld, Administrator

Attachment-1

These meetings are neither sponsored nor are they in any way connected with the Los Angels City School District. The Community Redevelopment Agency of the City of Los Angeles, California.

APPENDIX Q

City Council motion to form PAC,, November 18, 1983. (Exhibit 117 at Exhibit 4, pages 25-26).

City of Los Angeles, California, Elias Martinez City Clerk, Office of City Clerk, Room 395, City Hall, Los Angeles, CA 90012, 485-5705.

November 18, 1983. Community Redevelopment Agency, City Administrative Officer, Chief Legislative Analyst, Councilwoman Stevenson, Councilwoman Flores. Re: HOLLYWOOD REDEVELOPMENT PROJECT. At the meeting of the Council held November 18, 1983, the following action was taken:...Attached motion adopted (Stevenson - Flores) ___x___...s/ Elias Martinez, City Clerk.

M O T I O N.

WHEREAS, pursuant to the California Community Redevelopment Law (Health and

Safety Code Section 33000 et seq.), the Community Redevelopment Agency/CRA requested the Planning Commission to select appropriate boundaries for the proposed Hollywood Redevelopment Project and to formulate the Preliminary Plan; and

WHEREAS, the California Community law requires that the City Council call upon the residents and existing community organizations in a redevelopment project area to form a representative Project Area Committee ("PAC"), to be approved by the City Council within sixty days (60) after the redevelopment project area is selected. Now, therefor, be it resolved by the City Council of the City of Los Angeles, California, as follows:

1. The City Council hereby calls upon the residents, property owners, existing community organizations and businesses in

the project area to form a Project Area Committee.

2. The City Council hereby further requests the Community Redevelopment Agency to set the time, place and date of public meeting to form such Project Area Committee, and to mail or deliver note of such meeting to each residence, place of business and existing community organization within the proposed project area and to publish notice thereof, or use any other means reasonably calculated to provide each residence, place of business and existing community organization within the proposed project area an actual notice of such meeting.

3. The City Council hereby further determines that the PAC shall be comprised of not less than 15 nor more than 25 members, shall include residential tenants, property owners, business owners and mem-

bers of existing organizations within the subject area. The PAC shall be representative of the different and various segments of the proposed project area. There shall be representatives of eight existing community organizations on the PAC, four of which shall be elected by the community and four of which shall be appointed by the council person of the district. Of the 25 PAC members, 21 shall be selected by a vote of persons attending the public election meeting. Four will be appointed by the council person of the district. Only persons who are in one or more of the listed categories are eligible to participate in the selection of the PAC members.

4. The City Council hereby further determines that as soon as possible after the PAC has been organized in accordance with the Motion a list of members of the

PAC together with such other information as is necessary be presented to the City Council for them to conclude that a representative PAC has been formed and is entitled to City Council approval.

This Motion supersedes the Motion of July 15, 1983, presented by Councilwoman Peggy Stevenson and Councilman Arthur K. Snyder and approved by Council.

PRESENTED BY _____PEGGY STEVENSON, Councilwoman 13th District. SECONDED BY _____ SUSPENSION REQUESTED.

APPENDIX R

City Council resolution to approve PAC, January 6, 1984. (Exhibit 117 at Exhibit 7, pages 716, 715).

City of Los Angeles, California, Elias Martinez City Clerk, Office of City Clerk, Room 395, City Hall, Los Angeles, CA 90012, 485-5705. 83-1273 CD

January 6, 1984. Community Redevelopment Agency, City Administrative Officer, Chief Legislative Analyst, List attached. Re: HOLLYWOOD PROJECT AREA COMMITTEE (PAC). At the meeting of the Council held JANUARY 6, 1984, the following action was taken:...Attached resolution adopted (Stevenson - Bernson) ___x___...s/ Elias Martinez, City Clerk. jd

R E S O L U T I O N

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), and

City Council Resolution of November 18, 1983 directing the Community Redevelopment Agency (CRA) to set the time, place and date of a public meeting to form a Hollywood Project Area Committee in accordance with redevelopment law, it has been determined that:

1. The CRA did send out approximately 29,000 circulars and letters to residents, property owners, existing community organizations and businesses in the proposed project area and informing these citizens of an election to be held on December 13, 1983 at the Hollywood High School from 6 p.m. to 10 p.m., and

2. Approximately 250 members representing residential property owners, residential tenants, business property owners and business tenants and members of certified community organizations from the proposed project area did attend, and

3. Those citizens in attendance filled out a certification form regarding their eligibility to vote and this certification was verified by staff of the CRA, and

4. The CRA did hold such a meeting and an election whereby 21 members of the community were elected, and four members of community organizations were appointed, and therefore

5. The Hollywood Project Area Committee (PAC) has been organized in accordance with the motion of City Council dated November 18, 1983 and that such a list of their names and representation is hereby now presented to the City Council for Council to conclude that a representative PAC has been formed and is entitled to City Council approval.

Presented by: s/ Peggy Stevenson

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PEGGY STEVENSON, Councilwoman, Thirteenth District

Seconded by: s/ Hal Bernson

Res. ADOPTED JAN 6 1984 LOS ANGELES CITY COUNCIL. SUSPENSION REQUESTED

APPENDIX S

Declaration of David Morgan Re: 1983 PAC Election Notices and Residential Unit Survey by Plaintiffs of September 22, 1988 ("Survey"), extracts, with list of evidence.

Plaintiffs submitted extensive testimony and written evidence of failure of notice, listed as follows:

1. Testimony of Morley June 27, 28, 29, 1988 (RT2381-2504).
2. Testimony of Rotman June 30, 1988 (RT2599).
3. Testimony of Morgan July 8, 1988 (RT3011-42).
4. Exhibit 24, Residential Unit Survey.
5. Exhibit 25, Residential Unit Survey.
6. Exhibit 26, Circular Trays at Residential Units.
7. Exhibit 27A, 27B, Notes of Survey Takers.

8. Declaration of David Morgan on Notes of Residential Unit Survey Takers; Notes (CT19877).

9. Declarations of Persons not Receiving Notice of 1983 Project Area Committee Election ("First Set," CT18051).

10. Declarations of Project Area Owners and Tenants Re: 1983 PAC Election Notices ("Second Set," CT19008).

11. Third Set of Declarations of Project Area Owners and Tenants Re: 1983 PAC Election Notices ("Third Set," CT20030).

12. Declaration of Morgan re: 1983 PAC Election Notices and Residential Unit Survey by Plaintiffs ("SURVEY," CT18904).

13. Morgan review of Survey, Oct. 18 (RT6461-6506).

SEPTEMBER 22, 1988. C 607 002 DECLARATION OF DAVID MORGAN RE:

1983 PAC ELECTION NOTICES AND RESIDENTIAL UNIT SURVEY OF PLAINTIFFS, CT 18904 - CT 19007, excerpts.

Declaration of David Morgan, text omitted. ***

Exhibit A

Declaration of John Albee, text omitted.***

Declaration of Ruth Goulet, text omitted.***

Exhibit B, CT 18920 - 18942, summary:

HOLLYWOOD MULTI UNIT RESIDENTIAL BUILDING SURVEY

During June through September 1988 a survey team examined individually nearly all multi-unit residential buildings of three or more units in the project area and obtained the following results:

IN 1983

1983 SECURITY UNITS IDENTIFIED	4667
NUMBER OF 1988 SECURITY UNITS	

WITH NO 1983 DATA

AVAILABLE, APPROXIMATELY 3000 +

TOTAL NEW UNITS 1984 - MARCH 1986 135

TOTAL NEW UNITS MARKED

(SINCE MARCH 1986): 1089

TOTAL UNITS IN 1983

(14448 - 135 - 1089 =) 13214

MINIMUM % SECURITY

UNITS IN 1983 35 % +

IN 1988 IN SUBAREA

	1 NW	2 NE	3 SW	4 SE	ALL
NON-SECURITY UNITS	1152	1125	763	2265	5305
SECURITY UNITS	5183	1893	668	1399	9143
ALL UNITS	6335	3018	1431	3664	14448
% SECURITY UNITS	82 %	63 %	47 %	38 %	63 %

SECURITY UNITS ON SECOND FLOOR

OR HIGHER 4996

% OF SECURITY UNITS ON

SECOND FLOOR OR HIGHER	54 %
NON-SECURITY UNITS ON SECOND FLOOR OR HIGHER	2302
% OF NON-SECURITY UNITS ON SECOND FLOOR OR HIGHER	43 %
TOTAL UNITS ON SECOND FLOOR OR HIGHER	7298
% OF TOTAL UNITS ON SECOND FLOOR OR HIGHER	50 %
NUMBER HOTELS NOT OTHERWISE COUNTED:	5
NUMBER OF RESIDENTIAL PROJECTS UNDER CONSTRUCTION:	16

Subareas are centered on Sunset and Vine. The reference column shows the date in June 1988 and the initials of the survey takers. September, 1988

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SUMMARY OF TABLE OF UNITS

PAGE	NON-SECURITY BUILDINGS							SECURITY BUILDINGS						
	SUBAREA IN 1988				FLOORS ALL 1988	FLOORS 2ND+ 1983-8		SUBAREA IN 1988				FLOORS ALL 1983	FLOORS ALL 1988	FLOORS 2ND 1983
	1	2	3	4	T	T	1	2	3	4	T	T	T	
4				297	297	137		8		168		176	1	
5		131		43	174	56		387		75	205	455	1	
6		268			268	99		461			45	452	2	
7	67	117	132	24	340	148	436	44			432	480	3	
8	36		124	139	305	108	186	8	18	36	186	248	1	
9			55	203	258	103			82	299	85	381	2	
10	40		14	121	161	63	471		16	63	386	551	3	
11	119	48		182	351	158	40	83		127	86	250	1	
12		298			298	122	63	215			71	278	1	
13	372	120	59		551	346	303	40	48		252	402	2	
14	32		11	218	250	110	134	8		164	114	306	1	
15	86		152	30	268	107	435			17	339	551	1	
16			47	275	322	150			202	125		327	1	
17			126	31	157	64	344		164	30	323	538	3	
18	178	18			196	57	465	11		22	294	498	2	
19	65	99	32	4	196	34	342	198	138	14	344	692	2	
20				231	231	100	222	52		83	160	357	2	
21				392	392	224	153	77		144	20	374	2	
22	109	4	11	57	181	85	863	172		15	873	1050	7	
23	48	22		18	88	31	715	66		23	516	804	3	
T	1152	1125	763	2265	5284	2302	5183	1913	668	1399	4667	9143	49	

TOTAL OF ALL UNITS: 14448. TOTAL SECURITY UNITS: 9143.

TOTAL UNITS ON SECOND OR HIGHER FLOORS: 7298.

Exhibit C, CT 18943 - 18945

HANDLING IN 1983 OF FLIERS SUCH AS PAC ELECTION NOTICES AT MULTI UNIT SECURITY APARTMENT BUILDINGS OF THREE OR MORE UNITS IN HOLLYWOOD

Investigation was made as to the handling of fliers such as the 1983 PAC election fliers by contacting apartment owners, managers and residents. Declarations were obtained from the buildings listed on the attached table and the results tabulated below.

SUMMARY OF RESULTS

	UNITS
NUMBER OF UNITS IN BUILDINGS SURVEYED AS TO HANDLING OF FLIERS INSIDE APARTMENT	

BUILDINGS IN 1983	1560
FLIERS WERE ALWAYS LEFT OUTSIDE THE BUILDING	656
FLIERS WERE LEFT OUTSIDE OR RARELY TAKEN IN	37
FLIERS WERE RARELY TAKEN IN	252
FLIERS WERE USUALLY TAKEN IN	174
FLIERS WERE ALWAYS TAKEN IN	284
NO ANSWER GIVEN	195
PLACING FLIERS AT EACH UNIT OF BUILDING WAS ALLOWED	195
PLACING FLIERS AT EACH UNIT OF BUILDING WAS NOT ALLOWED	1278
NO ANSWER GIVEN	21
FLIERS WERE DISCARDED IMMEDIATELY WHEN FOUND	505
FLIERS WERE LEFT A DAY OR MORE OUTSIDE BUILDING	663
NO ANSWER GIVEN	392
1983 PAC ELECTION FLIER RECEIVED	0
1983 PAC ELECTION FLIER NOT RECEIVED	1560

HANDLING IN 1983 OF FLIERS SUCH AS PAC ELECTION NOTICES

ADDRESS	UNITS	FLIERS LEFT OUT:(O) TAKEN IN: RARELY (R) USUALLY (U) ALWAYS (A)	PLACING FLIERS AT EACH UNIT ALLOWED: YES (Y) NO (N)	FLIERS DISCARDED IMMEDIATELY (I) AFTER A DAY (D)	FLIER RECEIVED YES (Y) NO (N)
5738 CARLTON	42	O	N	D	N
5923 CARLTON	6	O, R		I	N
5950 CARLTON	7	O, R		I	N
1825 CHEROKEE	66	O			N
1830 CHEROKEE	70		N	I	N
1842 CHEROKEE	35	U	N		N
1760 EL CERRITO	20	U	N	D	N
1769 EL CERRITO	30	U	Y		N
1805 EL CERRITO	46	R	N	D	N
6100 FOUNTAIN	13	R	N	I	N
6222 FOUNTAIN	80	O	N	D	N
6400 FRANKLIN	70	O	N	D	N
6626 FRANKLIN	50	O	N	I	N
1545 GORDON	8	O, R		I	N
1546 GORDON	35	U	N	I	N
1830 GRACE	9	U	N		N
6533 HOLLYWOOD	66	O	N	I	N
1611 HUDSON	48	O	N	D	N
1738 LAS PALMAS	69		Y	D	N
1420 MANSFIELD	30	O	N	D	N
1330 ORANGE	45	O	N	D	N
1737 ORANGE	36	O	Y	D	N
1759 ORCHID	52	A	Y		
1767 ORCHID	32	A	N	D	N
1665 SYCAMORE	55	U	N	D	N
1776 SYCAMORE	73	R	N	D	N
1756 TAMARIND	16	O, R	N	I	N
1803-07 VISTA DEL MAR	46	O	N	I	N
1850 WHITLEY	200	A	N		N
1735 WILCOX	70	R	N	I	N
1755 WILCOX	30	R	N	I	N
1760 WILCOX	60	O	N	I	N
1811 WILCOX	17	O	N	D	N
1835 WILCOX	20	R	N	I	N
6760 YUCCA	8	O	Y	I	N

Exhibit D, CT 18946 - 18956

HOLLYWOOD MULTI UNIT RESIDENTIAL BUILDING SURVEY

WITH DATES PERSONS FIRST HEARD OF PROJECT

The Declarations submitted by the residents of the project area have been analyzed as to when they first heard of the redevelopment project in Hollywood with the following results.

Number of Declarations	
Subarea 1	35
Subarea 2	22
Subarea 3	43
Subarea 4	38
Status of Declarant	
Owners	57
Tenants	79
Not given	6
Date learned of project	
1983	5
1984	4
1985	6
1986 before adoption, Jan - May	23
1986 after adoption, Jun - Dec	20
1986 date not given	20
1987	18
1988	30
not given	9

ADDRESS	SUBAREA NUMBER	TENANT OR OWNER	NAME	FIRST HEARD OF PROJECT	UNITS
6141 AFTON	4	t Faulkner		Jun 88	45
6141 AFTON	4	t Laird		Jul 88	
6141 AFTON	4	t Mancillas		86	
6141 AFTON	4	t McCasky		Jul 88	
6141 AFTON	4	t Powell		Sep 87	
6141 AFTON	4	t Vincent		Aug 86	
6202 AFTON	4	t Abrahamson		Mar 86	1
1152 BEACHWOOD	4	o Doering, F.		87	1
1154 BEACHWOOD	4	t Doering, N.		87	1
1222 BEACHWOOD	4	o Smith, M.		Mar 86	1
1222 1/2 BEACHWOOD	4	t Macias, E.		Mar 86	1
1222 1/2 BEACHWOOD	4	t Macias, G.		Mar 86	
1249 1/2 BEACHWOOD	4	t Zamudio		Jun 86	4
1153 BRONSON	4	t Adams			2
1210 BRONSON	4	t Rios			1
1520 BRONSON	2	t De Milo		Apr 88	2
1545 BRONSON	2	t Aziz			64
1545 BRONSON	2	o Filtness			
1545 BRONSON	2	t Ibrahim			
1545 BRONSON	2	t Moussa			
6128 1/2 CARLOS	2	t Tasic			4
6130 CARLOS	2	t Vainisi		84	
6142 CARLOS	2	t Lewis		Nov 87	4
6148 CARLOS	2	t Jones		87	
573[illegible] CARLTON	2	t Patino		Sep 88	42
5741 CARLTON	2	t Roman		87	51
5900 CARLTON	2	t Abrams		Jul 88	4
5923 CARLTON	2	o Faias		Jun 88	12
5950 CARLTON	2	o Faias		Jun 88	14
1319 CHEROKEE	3	o Galarza, F.		86	1
1319 CHEROKEE	3	o Galarza, R.		86	
1331 CHEROKEE	3	o Glacusa, D.		86	1
1331 CHEROKEE	3	o Glacusa, H.		86	
1825 CHEROKEE	1	t Reimer		87	66
1830 CHEROKEE	1	t Scholtz		83	53
1842 CHEROKEE	1	T Roberts		Sep 85	35
1343 CITRUS	3	o Halper, D.		Sep 84	1
1343 CITRUS	3	o Halper, N.		Jan 85	
1343 CITRUS	3	t Halper, S.		Apr 86	
6552 DE LONGPRE	3	o Kanan		Jun 86	1
6622 DE LONGPRE	3	t Abery		86	1
6635 DE LONGPRE	3	t Connelly		88	5

ADDRESS NUMBER	SUBAREA	OR OWNER	TENANT NAME	FIRST HEARD OF PROJECT	UNITS
6635 DE LONGPRE	3	o	Lemos	86	
6655 DE LONGPRE	3	o	Krakowiak, M.	Mar 86	2
6655 DE LONGPRE	3	o	Krakowiak, S.	Mar 86	
6655 DE LONGPRE	3	t	Peters	86	
6827 DE LONGPRE	3	o	Robinson	Sep 84	3
6831 DE LONGPRE	3	o	Shaw	Sep 84	3
1760 EL CERRITO	1	t	Voss	Aug 88	20
1769 EL CERRITO	1	t	Matherne	Aug 88	30
1805 EL CERRITO	1	t	Ibrar	Fall 86	46
5418 FOUNTAIN AVE.	4	t	Goulet	Apr-May 86	
5712-14 FOUNTAIN	4	o	Calderon, Y.	Mar 86	2
5718 FOUNTAIN	4		Ramos	Nov 87	2
6100 FOUNTAIN	4	o	Micu, E.	Mar 86	13
6100 FOUNTAIN	4	o	Micu, P.	Mar 86	
6116 FOUNTAIN	4	t	Barberra	Jun 86	1
6118 FOUNTAIN	4	t	Sotelo	Nov 86	1
6120 FOUNTAIN	4	o	Morley	Mar 86	1
6129 FOUNTAIN	4	t	Hansen, D.	Nov 86	8
6129 FOUNTAIN	4	t	Hansen, P.	Nov 86	
6143 FOUNTAIN	4	o	Hadzick, Danny	Nov 86	1
6143 FOUNTAIN	4	t	Hadzick, Danya	Nov 86	
6143 FOUNTAIN	4	o	Hadzick, P.	Nov 86	
6222 FOUNTAIN	4	t	Estrada	Jul 86	80
6400 FRANKLIN AVE.	1	t	Hernandez	Jul 88	70
6626 FRANKLIN AVE.	1	t	Pochna	Sep 88	50
1151 GORDON	4	o	Marinovich	Mar 86	2
1206 1/2 GORDON	4	o	Cauthorn	Oct 86	5
1545 GORDON	2	o	Faias	Jun 88	16
1546 GORDON	2	o	Roux	Jul 88	35
1830 GRACE	1	t	Parks	Aug 87	9
1330 1/2 HIGHLAND	3	o	Spizzerre	86	
6533 HOLLYWOOD	1	t	Golub	Sep 88	66
1611 HUDSON	1	o	Morrison	Sep 88	48
1743 HUDSON	1	t	Harley	Apr 86	1
1743 HUDSON	1	o	Hays	Apr 86	
1745 HUDSON	1	o	Jackson	Mar 86	1
1746 HUDSON	1	o	Hill	Sep 88	1
1747 HUDSON	1	o	Johnson	Sep 86	1
1306 JUNE	3	o	Camacho	86	1
1310 JUNE	3	t	Estrom		30

ADDRESS	SUBAREA NUMBER	TENANT OR OWNER	NAME FIRST HEARD OF PROJECT	UNITS
1315 JUNE	3 t	Benyo, E.	Jul 88	
1315 JUNE	3 t	Benyo, D.	Jul 88	
1331 JUNE	3 t	Scholachman	87	2
1334 JUNE	3 t	Berman	Jul 88	3
1336 1/2 JUNE	3 t	Block	87	1
1340 JUNE	3 t	Albee	Jul 86	15
1340 JUNE	3 t	Gilbert	87	
1340 JUNE	3 t	Girolami	Jul 88	
1340 JUNE	3 t	Marin	87	
1340 JUNE	3 t	O'Brien	Jul 86	
1340 JUNE	3 t	Salazar	Jul 88	
1340 JUNE	3 t	Thomas	Jun 86	
7032 LANEWOOD	1 o	Weiss		21
1424 LAS PALMAS	3 o	Charon	85	1
1425 LAS PALMAS	3 o	Valdez, F.	Jun 86	1
1425 LAS PALMAS	3 t	Valdez, Paul	86	
1425 LAS PALMAS	3 o	Valdez, Pearl	Jun 86	
1433 1/2 LAS PALMAS	3 t	Ayala	86	4
1610 LAS PALMAS	1 t	Dolder	Mar 86	3
1738 LAS PALMAS	1 t	Segal	Sep 85	69
6634 LELAND WAY	3 o	Debalogh	86	1
5514 LEXINGTON	4 o	Kazanchian, E.	Jun 88	4
5514 LEXINGTON	4 o	Kazanchian, K.	Jun 88	
5514 1/2 LEXINGTON	4	Kazanchian, Annik	Jun 88	
5514 1/2 LEXINGTON	4 o	Kazanchian, H.	Jun 88	
5516 1/2 LEXINGTON	4	Kazanchian, Anjik	Jun 88	
5516 1/2 LEXINGTON	4 o	Kazanchian, O.	Jun 88	
5712 LEXINGTON	4	Calderon, R.	87	10
5746 LEXINGTON	4	Calderon, M.	Mar 86	8
1420 MANSFIELD	3 t	Goulet, Roger	Jul 88	30
1323 MCCADDEN	3 o	Teller	Mar 86	1
1351 MCCADDEN	3 t	Cross	86	1
1408 MCCADDEN	3 o	Del Valle	86	2
1408 MCCADDEN	3 t	Vasallo	86	
1542 MCCADDEN	1 o	Bean	Mar 86	1
1330 ORANGE	3 t	Dwyer	Jun 86	45
1737 ORANGE	1 t	Tafarella	83	36
1745 ORANGE	1 t	Holt	83	70
1759 ORCHID	1 t	Cusimano	Aug 86	52
1767 ORCHID	1 t	Citero	Aug 86	32

ADDRESS	SUBAREA NUMBER	TENANT OR OWNER	NAME	FIRST HEARD OF PROJECT	UNITS
6057 SELMA	2	o Nagy		Aug 86	3
6077 SELMA	2	o Allen		87	2
1420 SEWARD	3	o Hein		Mar 86	12
6655 SUNSET BL.	1	t Perry		86	1
6665 SUNSET BL.	1	t West		86	1
6700 SUNSET BL.	3	t Lincoln		86	1
1665 SYCAMORE	1	t Gordon		83	54
1776 SYCAMORE	1	t Rozelle		Apr 86	73
1750 VISTA DEL MAR	2	o Hopkins		Jun 88	1
1750 VISTA DEL MAR	2	t Smith, G.		87	
1750 VISTA DEL MAR	2	t Smith, P.		87	
1803 VISTA DEL MAR	2	t Serrano		Aug 88	46
1850 WHITLEY	1	t Miles			200
1735 WILCOX	1	t Nudelman		83	70
1755 WILCOX	1	t Nudelman		83	30
1760 WILCOX	1	t Goodale		Sep 86	60
1811 WILCOX	1	t Prichel			17
1835 WILCOX	1	t Miller		May 86	20
6218 YUCCA	2	t Walsh		86	16
6760 YUCCA	1	Castenholz		Mar 85	8

APPENDIX T

Quotations of authorities on standard of review for this action "in the nature of eminent domain." "All statutory modes of divesting titles are strictly construed, and to be strictly followed." (Bensley v. Mountain Lake Water 13 C 306 (1859). See: Gilmer v. Lime Point, 19 C 47, 60 (1861); Leland Stanford, et al v. George A. Worn, et al, 27 C 171, 174 (1865); (Shipman v. Forbes, 97 C 572, 574 (1893), emphasis added); (Mc Carty v. Sacramento, 148 C 211, 216 (1905); (Graham v. Bailard, 157 C 96, 103 (1909); (Harrington v. Superior Court, 194 C 185, 191 (1924); (Bottoms v. Superior Court, 82 CA 764, 771-2 (1927); (City of Los Angeles v. Glassell, 203 C 45, 46 (1928); (San Bernardino Co. Flood Control District v. Grabowski, 205 CA3d 885, 893 (1988)).

APPENDIX U

CITATIONS ON NOTICE

Mennonite Board of Missions v. Adams, 462 US 791 cites cases (CT 18761) such as Walker v. City of Hutchinson, 352 US 112; 1 LEd2d 178; 77 SCt 200 (1956), Schroeder v. New York City, 371 US 208; 9 LEd 255; 83 SCt 279 (1962) publication and posting insufficient condemnation proceedings notice. Re: tenants (Greene v. Lindsey, 456 US 444; 72 LEd2d 249; 102 SCt 1874 (1982)). See Scott v. Indian Wells, 6 C3d 541; 99 CR 745; 492 P2d 1137 (1972) CT12486E); In re Central Irr. Dist., 117 C 382, 392 (1897); Waller v. Weston, 125 C 201, 203 (1904); (Hallstrom v. Tillamook Co., 107 LEd2d 237, 249 (1989); Quaranta v. Merlini, 192 CA3d 22, 30; 237 CR 179 (1987); Los Angeles v. Allen, 32 CA 553; 163 P 697 (1861); Gilmer v. A Certain Tract of Land, 18 C

229 (1861); Conejo Recreation and Park District v. Armstrong, 114 CA3d 1016, 1021; 170 CR 891 (1981). Review de novo under the most stringent standard even when other issues obtain more lax review. (Mountain Defense League v. Board of Supervisors of San Diego County, 65 CA3d 722, 729; 135 CR 588, 590 (1977). Lack of relocation notice see Goodwin v. Gleidman, 463 N.Y.S.2d 693 (Sup. 1983).